Lieutenant-Colonel George Henry Robertson, 25th Regiment of Bombay Native Light Infantry.

Lieutenant-Colonel William Adam Orr, Madras Artillery.

Major Thomas Fourness, 13th Regiment of Bengal Native Infantry.

Major John Dobree Woollcombe, Bombay Artillery.

Major Henry Dyett Abbott, 31st Regiment of Madras Native Light Infantry.

Major George Hare, 20th Regiment of Madras Native Infantry.

Major John Granville Lightfoot, Bombay Artillery.

Francis Short Arnott, Esq., M. D., Surgeon on the Bombay Establishment of Her Majesty's Indian Military Forces.

William Mackenzie, Esq., M. D., Surgeon on the Madras Establishment of Her Majesty's Indian Military Forces.

No. 635 *of* 1859.—The following Order, issued by the Government of Bombay, is confirmed:—

No. 262, *dated* 24*th March* 1859.—Granting Assistant Surgeon F. Carter, of the Medical Department, leave of absence, on Medical Certificate, to Europe	For fifteen months, under the new Regulations.

No. 636 *of* 1859.—His Excellency the Governor General in Council is pleased to make the following promotions, in consideration of the distinguished gallantry of the men at the siege and capture of Jhansi:—

Corps.	Rank and Names.	To what Rank promoted.	From what date.
1st Cavy. H. C. ...	Ressaldar Allaoodeen Khan	Ressaldar Major	30th April 1858.
	Trooper Tejmal Sing ...	Duffadars ...	
	„ Meer Ahmed Ali ...		
	„ Nanoo Sing ...		
4th Cavy. H. C. ...	Trooper Khan Mahomed Khan	Duffadars ...	
	„ Tabool Khan ...		

R. J. H. Birch, *Major-Genl.*,

Secy. to the Govt. of India.

Public Works Department.

General.—Establishments.

No. 103.

Fort William, the 3*rd May* 1859.

Appointments.—Mr. G. Nolan, doing duty as an Officer lately with the 2nd Bengal Police Battalion, is re-appointed to the Public Works Department as a Probationary Assistant Engineer and posted to Bengal.

No. 104.

Probationary Assistant Overseer Corporal G. Driver, attached to the 8th or Bareilly Division, is permanently appointed to the Department Public Works.

No. 105.

The 5*th May* 1859.

Mr. R. Porter is appointed a temporary Assistant Overseer in the Department Public Works and posted to Bengal.

No. 106.

Serjeant W. Bowder, 1st Troop 1st Brigade Horse Artillery, is re-appointed to the Department Public Works as an Assistant Overseer, in the North-Western Provinces.

No. 107.

Notifications.—The services of Lieutenant A. M. Brandreth, Engineers, Probationary Assistant Engineer, Department Public Works, Bengal, are placed at the disposal of the Government, North-Western Provinces, for employment on the Staff of the Thomason Civil Engineering College.

No. 108.

In continuation of Notification No. 71, of the 25th March last, the Dinapoor and Patna Divisions are defined as follows:—

	Stations.
Dinapoor Division.	Dinapoor.
	Deegah.
	Arrah.
	Buxar.
	Chuprah.
	Sewan.
	Mooteeharee.
	Segowlee.
Patna Division ...	Patna.
	Bankeepoor.
	Gyah.
	Thenthea.
	Barh.
	Monghyr.
	Mozufferpoor.
	Poosah.

No. 109.

His Excellency the Governor General in Council is pleased to authorize that the Cantonments of Jaulnah and Aurungabad, with the portion of 80 miles of the Nagpoor Dâk Line from Toka to the Frontier of West Berar, shall be constituted a separate 4th Class charge, and be designated the Jaulnah Division, with effect from the 1st May 1859.

Appointment.—Lieutenant H. H. Foord, 16th Madras Native Infantry, 1st Class Assistant Engineer, is appointed an Executive Engineer of the 4th Class, and posted to the new or Jaulnah Division.

No. 110.

Transfers.—Mr. C. Mayne, 4th Class Executive Engineer, is transferred from the Balasore to the Culmejole Division.

No. 111.

The Right Hon'ble the Governor General in Council has been pleased to authorize the following transfers in the Department Public Works, North-Western Provinces :—

Lieutenant J. L. Watts, Executive Engineer 4th Class, 5th Division Grand Trunk Road, to the charge of the 10th or Agra Division.

Mr. R. J. Clarke, Assistant Engineer 1st Class, from the 10th or Agra Division, to the charge of the 5th Division Grand Trunk Road.

Captain E. Smalley, Executive Engineer 4th Class, from Allyghur to Muttra, subordinate to the Executive Engineer, Agra Division.

No. 112.

The 6th May 1859.

Appointment.—Lieutenant J. P. Westmorland, of Engineers, is appointed an Assistant to the Garrison Engineer with the grade of Probationary Assistant Engineer, in the Department Public Works.

H. YULE, *Lieut.-Colonel,*
Secretary to the Govt. of India.

Orders by the Lieutenant-Governor of Bengal.

No. 2908.

APPOINTMENT.—*The 16th April* 1859.—Moulavy Abdool Ruheem to officiate as Sub-Assistant to the Commissioner of Chota Nagpore at Hazareebaugh.

LEAVE OF ABSENCE.—*The 30th April* 1859.—Baboo Shyamalanund Mookerjee, Deputy Magistrate and Deputy Collector of Jamoorkandi, for fifteen days under Clause 1, Section VII. of the revised Uncovenanted Absentee Rules.

NOTIFICATION.—*The 30th April* 1859.—Mr. W. G. Young, Director of Public Instruction, availed himself of the leave granted to him on the 19th February last, on the 25th instant.

Erratum.—In the Orders published in the *Gazette* of the 30th ultimo, page 1004 for "Mr. W. H. Brodhurst to be *Magistrate and Collector of Tirhoot*," read "Mr. W. H. Brodhurst to be *Collector of Tirhoot.*"

A. R. YOUNG,
Secy. to the Govt. of Bengal.

Orders by the Lieutenant-Governor, North-Western Provinces.

No. 1538.

Allahabad, the 30th April 1859.

Leave of Absence.—Tujummool Hossein Khan, Principal Sudder Ameen of Furruckabad, on urgent private affairs, for eight days, from the date he may avail himself of it.

No. 1554.

The 2nd May 1859.

Mr. George Frederick Harvey, Commissioner of the Agra Division, for fifteen months, on Medical Certificate, to Europe, under Section VI. of the Absentee Rules, with the usual preparatory leave to reach the Port of Embarkation, from the date on which he may avail himself of it.

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

J. D. SANDFORD,
Offg. Asst. Secy. to Govt., N. W. P.

No. 1552.

Allahabad, the 30th April 1859.

Appointment.—Under instructions from the Government of India, Mr. James Guthrie, of the Civil Service, now absent on leave in Europe, is appointed to be Magistrate and Collector of Boolundshuhur, from the date of Mr. G. H. M. Rickett's departure from Calcutta for England, *viz.*, 11th March 1859.

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

F. B. OUTRAM,
Offg. Under-Secy. to Govt., N. W. P.

No. 255.

Allahabad, the 30th April 1859.

Leave of Absence.—Leave of absence, from 10th May to 16th September 1858, on Medical Certificate, is granted to the late Mr. C. J. Doyle, Commandant of the Etawah Cavalry, with a view to adjustment of accounts.

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

G. W. WILLIAMS, *Lieut.-Colonel,*
Military Secy. to Govt., N. W. P.

Opium Notification.

NOTICE is hereby given, that the fifth Sale of Opium, the provision of 1857-58, will be held at the Exchange Hall, on Monday, the 9th of May 1859, at 11 A. M., and will comprise 2,260 chests, *viz* :—

Behar Opium	1,915
Benares Ditto	345
Total Chests...	2,260

2. The general conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 1st December 1858, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 14th and 25th May 1859, respectively, (the 24th May being a public holiday) that is to say, no Sub-Treasurer's Receipts, Company's Paper or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers at the sale, will be received after 4 P. M. of Saturday, the 14th May 1859, and no Treasury Receipts in full payment of lots will be accepted after 4 P. M. of Wednesday, the 25th May 1859.

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1857-58, will be brought to Sale in the present year, on or about the dates specified below. The Board however reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

		Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 13th June 1859	-	1915	345	2260
Do. Thursday, 14th July „	-	1915	345	2260
Do. Wednesday, 10th August „	-	1915	345	2260
Do. Friday, 9th September „	-	1915	345	2260
Do. Friday, 14th October „	-	1915	345	2260
Do. Monday, 7th November „	-	1915	345	2260
Do. Monday, 5th December „	-	1934	379	2313
		13424	2449	15873

By Order of the Board of Revenue,

RIVERS THOMPSON,

Offg. Junior Secretary.

FORT WILLIAM,
The 26th April 1859.

Opium Notification.

NOTICE is hereby given, that the sixth Sale of Opium, the provision of 1857-58, will be held at the Exchange Hall, on Monday, the 13th of June 1859, at 11 A. M., and will comprise 2,260 chests, *viz* :—

Behar Opium	1,915
Benares Ditto	345
Total Chests...	2,260

2. The general conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 1st December 1858, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 18th and 28th June 1859, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers at the sale, will be received after 4 P. M. of Saturday, the 18th June 1859, and no Treasury Receipts in full payment of lots will be accepted after 4 P. M., of Tuesday, the 28th June 1859.

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1857-58, will be brought to Sale in the present year, on or about the dates specified below. The Board however reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

		Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Thursday, 14th July 1859	-	1915	345	2260
Do. Wednesday, 10th August „	-	1915	345	2260
Do. Friday, 9th September „	-	1915	345	2260
Do. Friday, 14th October „	-	1915	345	2260
Do. Monday, 7th November „	-	1915	345	2260
Do. Monday, 5th December „	-	1934	379	2313
		11509	2104	13613

By Order of the Board of Revenue,

RIVERS THOMPSON,

Offg. Junior Secretary.

FORT WILLIAM,
The 4th May 1859.

No. 257.

Notice.

TENDERS for the transportation of Salt from the Central and Southern Agencies of Orissa, to the Government Golahs at Sulkea, will be received at this Office until 2 P. M., of the 17th of May next.

2. The Tenders must be drawn up according to a form which may be obtained on application at this Office.

3. Distinct contracts must be entered into for the removal of the Salt in each of the three following localities, to wit, Hunsooah (in Central Cuttack) and the Ustrung Aurungs and the Chilka Lake Aurungs, in the Southern or Poorce Agency.

4. Parties tendering must satisfy the Board of Revenue and the Commissioner of Cuttack, that they possess the means of conveying the full quantity of Salt tendered for, and with this object a list of the vessels intended to be employed must accompany each Tender.

5. The quantity of Salt to be shipped at the Hunsooah Golahs will probably not exceed 1,00,000 maunds in each year; that from the Ustrungs is roughly estimated at 80,000 maunds for the ensuing season, and that from the Chilka Aurungs at maunds 3,20,000. The tenderer may apply for the whole quantity for which freight is required at each locality, or for any part not less than a quarter of such quantity.

6. Contractors must engage to ship the Salt allotted to them, during the period between the last spring tides of October and the end of February.

7. Parties whose tenders are accepted will be required to make a deposit of Government Promissory Notes, or to furnish other unexceptionable Security for the performance of their contracts.

8. The Board reserve to themselves the right of rejecting any Tender without assigning a reason.

By order of the Board of Revenue,

E. T. TREVOR,
Secretary.

FORT WILLIAM,
The 15th March 1859.

Notification.

THE undersigned begs to notify for the information of Officers under the direct orders of the Government of India, that the designations of the Districts of Paneeput and Khangurh, in the Punjab, have been altered to Kurnaul and Moozuffergurh, respectively.

E. DRUMMOND,
Acctt. Genl. to the Govt. of India.

FORT WILLIAM;
Accountant General's Office, Durbar and Revenue Dept., The 29th April 1859.

Notification No. 1000.

THE Public Bill Form, bearing the printed No. 294550, having been found to be missing from the Nuddea Treasury, is hereby cancelled; and Officers in charge of Treasuries are cautioned to refuse acceptance of it, if presented, taking the requisite steps for the apprehension of the parties concerned in negotiating it.

R. P. HARRISON,
Offg. Acctt. to the Govt. of Bengal.

FORT WILLIAM;
Office of Acctt., Govt. of Bengal, The 29th April 1859.

Notification.

BILLS at par on the Public Treasuries of the under-mentioned Districts may be had on application to the Accountant to the Government of Bengal:—

Districts.	*Amounts available on this date.*
Akyab, ...	... 1,00,000
Balasore, ...	... 20,000
Chittagong, ...	... 50,000
Cuttack, C. D., ...	... 2,00,000
* Dacca, ...	... 4,00,000
Gowalparah, ...	... 80,000
Jorehaut, ...	... 30,000
Kamroop, ...	... 40,000
Luckimpore, ...	... 1,00,000
Pooree, ...	... 1,00,000
* Rungpore, ...	... 1,50,000

R. P. HARRISON,
Offg. Acct. to the Govt. of Bengal.

BENGAL ACCTT.'S OFFICE,
The 3rd May 1859.

**N. B.*—These Treasuries will be cleared shortly if the amounts available are not taken up in Bills.

Bills applied for after 2 P. M., will not be issued till the following day.

Bills will not be granted for less than Rupees 50.

Medical College.

THE Session of 1859-60 will commence in the Medical College on the 15th June next.

2. Students who may be desirous of entering the College are requested to apply to the Principal, at the Medical College, between the hours of 10 A. M. and 4 P. M., on or before the 10th of June next.

3. The possession of the "Entrance Examination" Certificate of the Calcutta University, will entitle Students to enter the Medical College without further Examination.

4. Under certain conditions (which may be learned on application to the Principal) Students will be admitted in anticipation of passing the University Entrance Examination, but under the clear proviso of their going up for that Examination before the commencement of the Session of 1860-61.

5. The course of Instruction given in the Calcutta Medical College is framed to meet the requirements of the Calcutta University for obtaining its Degrees in Medicine and Surgery.

6. The Certificates of Lectures and Hospital Attendance of the College are likewise recognised by the University of London, the Royal College of Surgeons of England, and the Worshipful Society of Apothecaries of London, as entitling the possessors of such to compete in London for the Degree, Diploma and License of those bodies, under the Rules which regulate the granting of the same.

W. C. B. EATWELL, *M. D.*,
Principal, Medical College.

CALCUTTA;
Medical College Office,
The 30th April 1859.

Notification.

Fort William, Civil Auditor's Office, the 20th April 1859.

To the Officers of the Political, Judicial, Revenue, Customs, Salt, Opium, and other branches of Service.

The Civil Auditor has the honor to request that Disbursing Officers, in charge of Civil Establishments, will be good enough to submit, as soon after 1st of May next as may be practicable, separate from their April Pay Abstracts, the Annual Detailed Statements of the respective Establishments as per Forms Nos. 1, 2, and 3, furnished for their guidance in 1848, annexing a note to each of the above Statements showing the items of expenditure which, though sanctioned, have not been actually incurred with reference to Financial Resolution of 29th October 1857, No. 4751. Pending the receipt of these documents, the audit of their April Abstracts will, under Financial Resolution of 7th September 1842, be withheld.

The usual Annual Returns of Uncovenanted Servants up to May 1859, as well as separate Statements showing the periods of leave granted to Uncovenanted Assistants, are also requested to be furnished in Forms Nos. 4 and 5, with the above Annual Detailed Statements.

W. P. PALMER,
Civil Auditor.

Notification.

THE Civil Auditor, North-Western Provinces, has the honor to repeat his annual call to all Disbursing Officers in charge of Civil Establishments in the North-Western Provinces, for the submission (as soon after the 1st May next, as practicable, with the April Abstract) of their regular Annual Detailed Statement, containing the names and full particulars of the whole of the Establishment; and to observe that, with reference to the orders of Government, dated 15th October 1842, published in the *Agra Government Gazette*, of the 15th November 1842, the audit of their Abstracts for April next will be withheld until the receipt of the required Returns.

2. To facilitate check, it is particularly requested that the Abstract for April be sub-divided into distinct headings, so that each description of Office with its total shall correspond with the details given in the Statement of Establishment or the 1st May, agreeably to the Form furnished.

3. It is also requested that the *three separate* Lists prescribed for all Uncovenanted Civil Servants (Europeans and East Indians) and Native, (in the last the names of *only those* holding appointments of *trust* and *responsibility* should be inserted,) employed on their Establishments, be furnished for 1st May 1859, without delay.

H. LOCH,
Offg. Civil Auditor.

CIVIL AUDITOR'S OFFICE;
N. W. P., Allahabad,
The 31st March 1859.

Sheriff's Office; the 7th May 1859.

NOTICE is hereby given, that a Sessions of Oyer and Terminer and Gaol Delivery and also an Admiralty Sessions will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House in the Town of Calcutta, on Monday, the sixth day of June next, at 12 o'Clock at noon.

The Court will open on the first day of the Sessions at 12 o'Clock at noon, and upon each succeeding day precisely at 11 o'Clock in the forenoon, of which all persons are required to take notice.

W. F. GILMORE,
Sheriff.

সরিফ আফিস ৭ মে ১৮৫৯ সাল

সমাচার দেওয়া যাইতেছে যে আগামি ৬ জুন ১৮৫৯ সাল সোমবার দুই প্রহরের সময় কলিকাতার ফোর্ট উইলিএমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্ত বঙ্গ দেশের ফোর্ট উইলিএমের শুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেলটি অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিস্পত্তি জন্য এক সেশিয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান জতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এ বিষয় সকলে স্মরন রাখুন।

W. F. GILMORE,
Sheriff.

Notice.

To be sold, pursuant to a Decree of the Supreme Court of Judicature, at Fort William in Bengal, made in a certain Cause, wherein Shamchund Mitter is Complainant and Punchanun Gangooly and others are Defendants, on and bearing date the 10th day of March 1859, with the approbation of John Cochrane, Esquire, the Master of the said Court, at his Office in the Court-House, in the Town of Calcutta, on a day of which due Notice will be hereafter given, the following property, that is to say—

Lot No. 1.—One-fourth share of the late Collydoss Gangooly in the family dwelling-house, situate at Chorebagan, in the Town of Calcutta.

Lot No. 2.—A garden at Bathone in the District of Twenty-four Pergunnahs.

Particulars whereof may be had gratis, at the Office of Mr. H. Swinhoe.

John Cochrane,
Master.

H. Swinhoe,
Plaintiff's Attorney.

Calcutta Supreme Court;
Master's Office,
The 3rd May 1859.

Calcutta Drainage.

The Public are hereby informed that the Drainage Works are about to be commenced, for which purpose it will be necessary to deposit Materials excavate Trenches, &c., in the Streets of the Town. Every precaution will be used to prevent accidents at night from these obstructions. The work will be commenced in Durrumtollah, and it is hoped this Notice by drawing attention thereto, will ensure caution on the part of those who travel through the Street after dark.

By order of the Board of Municipal Commissioners.

W. Clark,
Engineer to the Municipal Commissioners.

Calcutta,
The 30th April 1859.

CUSTOMS.

List of Packages lying unclaimed on the Custom House Wharf.

Date of Landing.	Mark or Address of Packages.	Ships.
1858, Oct. 14th ...	1 Case unknown, Qr. Mr. Frazer, 6th Dragoon Guards ...	Wellesley.
Ditto 15th ...	2 Cases ditto, ditto ...	Ditto.
Nov. 7th ...	66 Cases ditto, F J in heart ...	Mary Ann Wilson.
Ditto 9th ...	1 Case ditto, C in triangle H M N ..	Kirkham.
Ditto 14th ...	29 Cases ditto, F J in heart ...	Mary Ann Wilson.
Ditto 17th ...	1 Iron Rail, no mark ...	Fort William.
Dec. 6th ..	2 Chests unknown, ditto ...	Englishman.
1857, January 7th ...	2 Cases ditto, M C D S ...	Comete.
March 5th ...	1 Case ditto, P C F in diamond ..	Albion.
Ditto 23rd ...	2 Small Packages ditto, B C ...	Str. Fiery Cross.
Ditto „ ...	1 Small Package, ditto, B ...	Ditto.
April 16th ..	9 Bundles Iron, no mark ...	Howden.
Ditto „ ...	11 Pieces ditto, ditto ..	Ditto.
Ditto 18th ...	8 Bags Tobaco Leaf, Ditto ...	Atiet Rohoman.
Ditto 27th ...	1 Case unknown, Hy. Bayley, Esq. ...	Harold.
1859, April 27th ..	1 Tin Box Sundries, Messrs. Fraser and Co. ...	Str. Viscount Canning.
Unknown ...	1 Case Unknown, no mark ...	Unknown.

Calcutta Custom House,
The 6th May 1859.

F. J. Cockburn,
Officiating Collector of Customs.

Notification.

WITH the sanction of the Governor General of India in Council, it is hereby declared that the Port of Rangoon, and the Navigable River and Channels leading to that Port, are subject to Act XXII. of 1855.

The limits of the said Port of Rangoon are as follows:—

To the West.—A Line drawn South-West from the boundary pillar at Kemmendine across the Rangoon River, to the boundary pillar on the opposite bank at the entrance of the Panlang Creek.

To the South-East.—A Line drawn East from King's Point on the Dallah side of the Rangoon River, to the boundary pillar on the Syriam side.

To the North-East.—A Line running North-West and South-East drawn from the boundary pillar on the Rangoon or West side of the Pegu Rivers to a boundary pillar on the Syriam or East side, so much of Puzzomdoung Creek as lies South of a Line drawn from a pillar on the East above Kyeezeik Village to a pillar opposite to the West bank of the Creek.

The limits of the said Port include to the North and South, so much of the Rangoon River and of the Shores thereof, and so much of the Puzzomdoung Creek, and the Shores thereof as are within fifty yards of high-water mark spring tides.

The limits of the Navigable River and Channels leading to the said Port, made subject to the said Act, are as follows:—

To the North.—The Port of Rangoon as above defined.

To the South.—A Line drawn East and West from the Light Ship.

All Ports of the Rangoon River between the said limits and below high-water line at spring tides are subject to the said Act.

PORT RULES.

I. No vessel, if above 200 tons, shall enter within the limits of the Port of Rangoon, or move from one place to another within the Port, between sun-set and sun-rise, without the special permission of the Master Attendant.

II. The Commanders of all vessels arriving at the Port of Rangoon are desired to enter correctly in the Columns of the Report Book of the Master Attendant, as soon as presented to them, the information therein required, regarding their vessels. They will also report in writing to the Master Attendant twenty-four hours before their departure the particulars noted in the forms appended hereto.

III. All Commanders of vessels arriving at Rangoon shall anchor in such a position as the Master Attendant or his Assistant shall direct. All vessels above 100 tons' burthen shall moor with two bower anchors and 30 fathoms of cable each way, and shall not move from their position without a Pilot, except with the express permission of the same authority.

IV. All Commanders of vessels shall have their jib and driver booms rigged in, when required by the Master Attendant, and shall strike their yard and masts if required so to do by, or by order of the same Officer.

V. Every ship or vessel within the Port of Rangoon shall have removed any anchor or spar or other substance projecting from her side, when so required by the Master Attendant, or other Officer of the Port.

VI. The Commanders of all vessels entering the Port of Rangoon, with ballast on board, shall without delay send to the Master Attendant a report in writing, stating the description of ballast on board, the quantity in tons, and the port of shipment; application must be made by the Commander to the Master Attendant for permission to tranship or land ballast, and no ballast shall be transhipped or landed except under the sanction of the Master Attendant and only at such Stations as he shall direct.

VII. A free channel of 240 yards which is to be kept for ships moving up or down the River within the Port, and also free passages to Piers, Jetties, Landing places, Wharves, Quays, Docks and Moorings, and all vessels shall be bound to move when required to clear such channels or passages.

VIII. All vessels within the Port of Rangoon shall be moored or warped from place to place as required by the Master Attendant, or other Officer of the Port, and no vessels shall cast off a warp that has been made fast to her to assist a vessel in mooring without being required to do so by the Pilot or Officer in charge of the vessel mooring.

IX. No vessels within the limits of the Port of Rangoon shall boil any pitch or dammer on board, or shall draw off spirits by candle or other artificial lights.

X. All vessels within the limits of the Channels leading to the Port of Rangoon shall when at anchor, between sun-set and sun-rise, have a good light hoisted at the starboard fore-yard arm; and all vessels under weigh at night shall show a good light at the fore-royal or upper foremast head, and when under weigh in tow of a steamer shall in addition to the masthead light, show a good light at each fore-yard arm; the steamer showing the usual light prescribed by the Admiralty Regulations.

XI. No vessel shall use any of the Government chain moorings, whether fixed or swinging, without permission of the Master Attendant.

XII. All vessels occupying Government mooring fixed or swinging, shall be liable to pay for the same, according to the following scale and no more:—

	From 1st November to 30th May, being seven months. *Per Diem, Rs.*	From 1st June to 31st October, being five months. *Per Diem, Rs.*
For fixed moorings		
All vessels up to 199 tons	1	3
Ditto from 200 to 299 „	2	4
Ditto from 300 to 399 „	3	5
Ditto from 400 to 499 „	4	6
Ditto from 500 to 599 „	5	7
Ditto from 600 to 999 „	6	8
Ditto from 1000 and upwards	8	10
Swinging moorings	3	4

XIII. The rate fixed for warfage payable by all vessels at Government Wharves is at annas (8) eight per ton, according to the registered tonnage and one day for each (50) fifty tons is allowed for vessels to load or discharge their cargoes. Vessels remaining alongside Government Wharves, beyond the time allowed according to the tonnage,

will be subject to an additional charge of annas (4) four per ton, for each day.

The provisions of Sections XII. XXXVII. and XL. of the said Act No. XXII. of 1855, are hereby specially extended to the Port of Rangoon.

A. P. PHAYRE,
Commissioner of Pegu, and Agent to the Governor General.

Form of Conservator of Ports' Report Book of Arrival.

Date of arrival at Rangoon.	Name of Vessel.	Rig of Vessel.	Tonnage.	Under what Flag.	Name of Commander.	Where from.	Date of Departure.	Intermediate Ports touched at	Names of Passengers.	Remarks.
										Any vessel spoken with, or wreck seen, particulars to be noted.

A. P. PHAYRE,
Commissioner of Pegu, and Agent to the Governor General.

Particulars required to be reported by Commanders of Vessels previous to their departure as per Rule II.

Intended date of Departure.	Name of Vessel.	Rig of Vessel.	Tonnage.	Under what Flag	Name of Commander.	Where bound.	Names of Passengers.	Remarks.

A. P. PHAYRE,
Commissioner of Pegu, and Agent to the Governor General.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions, if to be remitted through the Corporation. Without charge.

If to be paid in India, a Commission will be charged of ... 1-4th per Cent.

On returning Government Paper or Share Certificates out of safe custody, ... 1-4th per Cent

On the purchase of Government or other Securities, ... 1-4th per Cent.

On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ... Without charge.

WM. ANDERSON,
Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

Statement of the Affairs of the Bank of Bengal for the Week ending 4th May 1859.

LIABILITIES.			ASSETS.		
Proprietors' Capital ...	...	1,07,00,000 0 0	Government Securities ...	...	23,92,000 0 0
Reserve Fund ...	...	1,97,534 10 10	Dues from Government ...	...	1,73,810 14 9
Current Accounts ...	...	84,98,661 5 1	Cash ...	...	1,08,66,949 0 0
Cash Credits Undrawn ...	...	4,93,266 5 9	Loans on Deposit of Securities ...	...	1,26,60,200 0 0
Other Claims	...	4,12,346 0 1	Discount Loans on ditto ...	...	70,28,600 0 0
Bank Notes	...	1,53,07,135 0 0	Accounts of Credit on ditto ...	...	6,72,200 0 0
Post Bills	...	1,79,889 14 0	Government Bills Discounted ...	...	4,36,749 2 9
Profit and Loss *(Rebate Account)*	...	60,885 3 0	Mint Certificates ditto ...	...	2,01,906 13 4
			Mercantile Bills ditto ...	...	12,21,019 1 4
			Dead Stock ...	...	1,86,283 6 7
Co.'s Rs.	...	3,58,39,718 6 9		Co.'s Rs.	3,58,39,718 6 9

Published by order of the Directors,
H. T. LEE,
Offg. Secretary and Treasurer.

G. W. MOULTRIE,
Offg. Accountant.

Commercial Bank of India.

CALCUTTA BRANCH.

Rates of Exchange on London Joint Stock Bank.

		s.	d.	
At	6 months' sight	2	0¼	per Rupee
"	3 " "	1	11 29/32	"
"	30 days' "	1	11 29/32	"
"	3 " "	1	11½	"

The Bank grants Drafts on the Head Office, Bombay, and on its Branches in London, Shanghae, and Hong-Kong. Bills collected at any of the above places at a uniform charge of ½ per Cent.

The Bank will undertake the purchase or sale of Government Paper, Bank Stock and other Securities, draw Interest and Dividends payable in Calcutta, when due, at a Commission of ¼ per Cent.

No charge made when the proceeds of Sale or amount of Interest or Dividends drawn is remitted in the Bank's Bills.

Rates of Interest allowed to Deposits subject to

3	months'	notice of withdrawal,	4 p. ct.	per annum
6	ditto	ditto ditto	5	,,
2	ditto	ditto ditto	6	,,

Notice may be given when the money is deposited, or at any subsequent time; and it will be dispensed with in cases when the money is to be remitted through the Bank.

Current Accounts kept and Interest allowed at 2 per Cent. per annum on Balances of Rupees 500 and upwards, not exceeding Rupees 50,000, unless by special agreement.

Hours of business, 10 A. M. to 3 P. M. On Saturdays, 10 A. M. to 1 P. M.

W. S. FITZWILLIAM,

27, TANK SQUARE, } *Agent.*
Calcutta, 7th October 1858. }

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Brojobullub Mullick and Hurrydoss Mullick, of Bow Bazar, in Calcutta, the said Brojobullub Mullick heretofore carrying on business in copartnership with Gorachaund Mullick, as Wine Merchants at Barrackpore, under the name, style and firm of Brojobullub Mullick and Co., Insolvents.

On Wednesday, the 20th day of April last, it was ordered that the matters of the Petition of the said Insolvents be heard on Saturday, the 4th day of June next, and that the said Insolvents do then attend to be examined by the said Court.

Insolvents in person.

Chief Clerk's Office, 3rd May 1859.

In the matter of Henry William Chamberlain, of No. 6, Wellington Square, in the Town of Calcutta, Tide Waiter, Calcutta Custom House, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Friday, the 13th day of May instant, at the hour of 10 o'Clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*"

Chief Clerk's Office, 6th May 1859.

Required.

A TRANSLATOR thoroughly conversant with English and Oordoo, his duties will be to translate and to superintend the Persian Office. Salary Rupees 100 per mensem. Apply to Deputy Commissioner, Pertaubghur *viâ* Allahabad, Oude.

Notice.

THE Interest and Responsibility of MR. WILLIAM GRANT and MR. DAVID BAIRD LINDSAY, in our Firm here and at Rangoon, and in the Firm of JAMES WYLLIE & Co., in London, ceased on this date by the effluxion of time.

GLADSTONE, WYLLIE & Co.

CALCUTTA, } *The 30th April* 1859. }

Notice.

MR. PATRICK KEITH and MR. GEORGE ROSS have this day been admitted as Partners in our Firm here and at Rangoon.

GLADSTONE, WYLLIE & Co.

CALCUTTA, } *The 30th April* 1859. }

Notice.

THE Office of MESSRS. DUTTS, LINZEE AND Co. is removed to No. 7, Commercial Buildings, Strand,

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Notice.

THE Interest and Responsibility of the late MR. THOMAS SCOTT in our Firm ceased on the 6th June 1857; and the business will from this date be conducted under the style of TARRUCK & Co.

THOMAS SCOTT AND TARRUCK.

CALCUTTA, } *The 30th April* 1859. }

Notice.

MESSRS. DICKINSON, BROTHERS AND Co. beg to announce that they will henceforth transact business in Calcutta, as the representatives of MESSRS. WILLIAM DICKINSON AND Co. of London, and MESSRS. ALFRED WILKINSON AND Co. of Hong-Kong.

1, FANCY LANE, } *Calcutta, 2nd May* 1859. }

Notice.

THE Partnership heretofore existing between MESSRS. DANIELL DICKINSON AND Co., of London, and JAMES CHURCH, JUNIOR, carrying on business under the Firm of JAMES CHURCH, JUNIOR, AND Co., is this day dissolved by mutual consent.

HENRY MORTLOCK AITKEN,
CHAS. A. DICKINSON,
Attorneys for Daniell Dickinson and Co.

JAMES CHURCH, *Junior*,
By his Attorney Edw. J. Lindsay.

CALCUTTA,
The 30th April 1859.

WITH reference to the above, MR. EDWARD JAMES LINDSAY will conduct the business of MESSRS. JAMES CHURCH, JUNIOR AND Co., in liquidation.

HENRY MORTLOCK AITKEN,
CHAS. A. DICKINSON,
Attorneys for Daniell Dickinson and Co.

EDW. JAMES LINDSAY,
As Attorney for James Church, Junior.

CALCUTTA,
The 2nd May 1859.

Notice.

MR. JAMES CHURCH, JUNIOR, MR. DAVID BAIRD LINDSAY and MR. JAMES STEEL have this day commenced business as Merchants and Commission Agents under the firm of CHURCH, LINDASAY & Co.

Calcutta 2nd May 1859.

Notice.

MR. EDWARD JAMES LINDSAY is authorised to sign our Firm per procuration.

CHURCH, LINDSAY AND Co.

CALCUTTA,
2nd May 1859.

Notice.

THE Interest of MR. GEORGE GILBERT in our Concern ceased on the 30th April 1858.

JESSOP & Co.

Notice.

THE Office of the Chartered Mercantile Bank of India, London and China is removed from No. 1A, Lyons' Range, to No. 4, Council House Street.

The 2nd May 1859.

Partnership.

I HAVE this day admitted my son BABOO MOHANUND BENERJEE a partner in my business, which will henceforth be carried on under the firm and style of BHOOBUNMOHUN BENERJEE and SON.

BHOOBUNMOHUN BANERJEE.

CALCUTTA,
The 1st May 1859.

Lost, Stolen or Destroyed.

THE under-mentioned Government Securities standing in the name of Nawab Afsur Bahoo, the Proprietor, by whom they were never endorsed to any other person. Payment of the Notes and of Interests thereupon have been stopped at the Loan Office, and application is about to be made to Government for the issue of duplicate Notes in favor of the Proprietor :—

No.	20972	of 1854-55,	dated	30th June	1854, for Rs.	20000
"	20973	"	"	"	"	20000
"	20974	"	"	"	"	20000
"	20975	"	"	"	"	20000
"	20976	"	"	"	"	20000

NAWAB AFSUR BAHOO.

LUCKNOW,
The 30th April 1859.

Notice.

LOST at Delhie, on or after the 11th May 1857, the under-mentioned Government Promissory Notes, bearing the signature of Mrs. Grace Clarke :—

4 per Cent. Loan,	No	1118	of 2430,	dated	31st March 1836,	Co.'s Rs. 500
"	"	"	" 8417	"	"	" 500
"	"	"	" 38890	"	" 30th June 1854	" 1000
					Total, Co.'s Rupees ...	2000

Payment of the Notes and Interest thereon has been stopped at the Loan Office, and application made to Government for issue of duplicate Notes.

ISABELLA MANN,
Administratrix to the Estate of the late Mrs. Grace Clarke.

CALCUTTA,
The 28th April 1859.

Lost, Stolen or Destroyed.

THE under-mentioned Government Promissory Notes, standing in the name of Ellahie Begum of Nowajgunge, in Lucknow in Oude, the widow of Dilwar Ally Khan, deceased, the Proprietress, by whom they were never endorsed to any other person. Payment of the Notes and of Interest thereupon has been stopped at the Loan Office, and application has been made to Government for the issue of Duplicate Notes for the respective amounts :—

No. 11179, of 30th June 1854, of 1854-55, Rs. 4,000.
" 11180 " " " " 2,000.

J. RENNIE.

CALCUTTA,
The 21st April 1859.

Lost.

THE Government Promissory Note, No. 5775, of 1842-43, of the Four per Cent Loan, dated the 31st March 1842, for Company's Rupees Two thousand, originally standing in the name of Rajcoomar Roy, and last endorsed to Captain Duncan, Executive Engineer, 1st Division, Department Public Works, the proprietor. Payment of the above Note and of Interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate Note in favor of the Proprietor.

H. DE BOURBEL, *Captain*,

Offg. Ex. Engr., Barrackpore Divn.

BARRACKPORE,
The 3rd May 1859.

Lost.

A Second-half Bank of Bengal Note, No. 04250, for Company's Rupees 500, the payment is stopped in the Bank.

Lost.

THE Right-half of a Bank of Bengal Note, No. 33957, for Rupees (20) twenty.

HURRYNATH CHUCKERBUTTY.

Lost.

LEFT-HAND halves of the Bank of Bengal Notes, No. 43420, for Co.'s Rs. 100, and No. 20557, for Co.'s Rs. 50, the payment of which has been stopped at the Bank.

Lost.

Half of a Bank of Bengal Note, new Issue, A
No. 10031 for Company's Rupees 10.

ORIENTAL BANK CORPORATION,
The 2nd May 1859.

Notices issued by the Officiating Deputy Post-Master General of Bengal.

No. 5437.

The 21st April 1859.—SEALED TENDERS will be received at the Calcutta General Post Office for the repairs of three Post Office Vans, nine Accelerators, and one Dray, for a period of five years, from the 6th June 1859.

2. The Tenders will be received up to Friday, the 20th May, and will be opened on that day, at noon, in presence of all parties concerned.

3. A Deposit in Cash of (100) one hundred Rupees is required with each Tender, subject to forfeiture, if the Tender be withdrawn.

4. Information relative to conditions will be given in writing on application to this Office.

No. 77.

The 6th May 1859.—NOTICE is hereby given, that the letters for the Overland Mail despatched from this Office up to the 18th ultimo, were in time for the Steamer that left Bombay on the 26th idem.

No. 50.

MAIL PACKETS for the Overland Mail which leaves Bombay on the 23rd instant, will be closed at this Office, at 5 P. M., on the 14th *viâ* Marseilles only.

Letters and Papers for transmission *viâ* Bombay will be received up to 6 P. M., on every day prior to the 14th instant:—

Rates of Postage.

Under	¼	oz.	...	Rs.	0 6 0
,,	½	,,	...	,,	0 8 0
,,	¾	,,	...	,,	0 14 0
,,	1	,,	...	,,	1 0 0

PACKETS for the reception of Letters by the following Ships are open at this Office:—

NAMES OF VESSELS.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
Chowringhee ..	John Borradaile & Co. ..	In a few days .	Sydney.		
Adelicia ...	Mackinnon, McKenzie & Co.	30th May 1859	Melbourne.		
R. A. Maria ..	G. Pehmoller & Co. ...	7th Ditto ..	Rangoon.		

The 6th May 1859.

LIST of unclaimed Bullock Train Packages lying at the Office of the Post Master General, N. W. P., which will be sold by Public Auction to defray expences if not claimed within three months from this date.

No	Description of Package.	Address.	Particulars.
1	Parcel ...	Lieut. Drummond, 9th Irregular Cavalry ...	1 Pair of Boots.
1	Ditto ...	Major Jacobs, 1st Fusiliers	3 Flannel Banians.
1	Ditto ...	J. C. Browne, M. D. Arty.	2 Dozen Woollen Socks.
1	Small Box ...	Without address ...	8 Bottles Essence of Coffee.
1	Tin Box ...	Fuzzul Hoosain ...	Medicines.
1	Box ...	Peter Carty, 1st Fusiliers	A Silver Medal for Pegu.
1	Parcel ...	Shurroofdeen ...	1 Native lace worked Cap, 1 bag Snuff.
1	Ditto ...	Mrs. A. Campbell ...	1 Lady's Companion, 11 pairs Woollen Socks and some Ribbons.
1	Ditto ...	R. Davidson, care of Captain Hood Bullubgurh ...	2 Flannel Banians.
1	Parcel ...	Nusseerooddeen ...	1 Bottle Uttar, 1 card Elastic.
1	Small Box ...	Serjeant Colleran, H. M's. 75th Regiment ...	Pipes and Tobacco.
1	Ditto ...	J. E. Fairfax, Esq., C. S....	3 Bottles Warburg's Tincture.
1	Parcel ...	Moonshee Hurgolam ...	1 Pair Socks.
2	Ditto ...	Captain Graham, Comdg. for Coll. Watt Beliast ...	2 Packets Pine Seeds.
1	Ditto ...	Mrs. Graham, Doroundah	1 White Cashmere Shawl.
1	Tin Case ...	Dr. Morris, Sirmoor Battn.	Drawing Paper.
1	Parcel ...	Mr. Cox, boot maker Jullunder ...	1 Pair of Boots.
1	Ditto ...	Reverend H. E. Cockey, S. P. G. Cawnpore ...	1 Wool-worked Cheroot case.
1	Ditto ...	Without address ...	1 Turquoise, 1 Snuff box and pieces of Chintz and Silk, 6 Pictures.
1	Ditto ...	Ditto ...	1 Pair half Boots.
2	Ditto ...	Captain Strangways ...	A Lady's and Baby's Linen and Clothing.
1	Ditto ...	Rajah Roodu NarayanSing, Benares ...	2 Small Glasses.
1	Ditto ...	B. Tayler, Esq. ...	2 Packets mourning Paper and Envelopes.
1	Ditto ...	Without address ...	1 Brass Scabbard.
1	Ditto ...	P. F. DeQuency, Esq., ...	Seeds.
1	Ditto ...	Messrs. White and Co. ...	2 Waistcoats.
1	Tin Box ...	Reverend E. Terlber, R. C. Chaplain, Cawnpore ...	Sacramental Wafers.
1	Ditto ...	Gunr. J. Healy ...	Smoking Pipes.
1	Parcel ...	Captain E. T. Dickens ...	6 Bottles Pills.
1	Ditto ...	Officer Commanding 8th Regiment, Sultanpore ...	1 Pair Pantaloons.
1	Ditto ...	John Watson, Esq. ...	1 Pair Wool-worked Slippers.
1	Box ...	Captain P. Comyn ...	1 Box Cheroots.
1	Tin Canister ...	No address ...	Pogson's Specific.
1	Small Box ...	Miss Habit ...	Jewellery, Earrings, &ca.
1	Parcel ...	Lieut. Brown, 28th N. I.	3 Pairs Shoes.
1	Ditto ...	Lieut. Lamb, Arty., Assistant Commissioner ...	2 Waistcoats.
1	Box ...	Mr. G. Leonard ...	Cheroots.
1	Ditto ...	W. H. Bennet, Esq., ...	Steel Pens and Camels Hair Brushes.
1	Parcel ...	C. S. Lane, Assistant Commissioner ...	A roll of white Satin Ribbons.
1	Ditto ...	Baboo Samanth ...	1 Hindee Shastar.
3	Ditto ...	Mr. Watson ...	Dalley's Carminative Patent Nipples and a Woollen Cap.
1	Ditto ...	H. Lewellyn ...	A Wig.
1	Ditto ...	Kadir Bux ...	A Tin Box.
1	Ditto ...	Holden Nan ...	9 Articles Native Clothing.
1	Ditto ...	Lieut. Peil, 23rd N. I. ...	2 Native Silk Caps.
1	Tin Box ...	Mrs. Kirk, Cawnpore ...	1 Felt Riding Hat.
1	Ditto ...	Captain Green Lucknow...	1 Box Spices.
1	Parcel ...	Mohomed Hoosain ...	1 Piece of Silk.
1	Ditto ...	No address ...	A Sample of Hemp or Flax.
1	Ditto ...	Captain Aitkin, Rajpootana Field. Force. ...	1 Bombay Calendar, 1 Tom Brown's Schooldays, 1 Mutiny Act.

No.	Description of Package.	Address.	Particulars.
1	Parcel ...	Miss M. Barry ...	1 Bundle Violet Powder.
1	Ditto ...	Mr. Wohlzeborn ...	6 Books, plates, 6 German Works.
1	Tin Box ...	R. Kenrich, Esq. ...	1 Revolver, Pistol, &ca.
1	Parcel ...	No address ...	Shakespeare's Hindustanee Dictionary.
1	Ditto ...	Ditto ...	1 Vol. Bombay Calendar.
1	Ditto ...	D. Mackey, Esq., or Coll. Clark ...	1 Book Forms.
2	Ditto ...	W. C. Lyall, Esq. ...	Flannel and other Shirts.
1	Ditto ...	A. Morris, Esq. ...	1 Vol. Punch, 1 Vol. Farriery.
1	Ditto ...	Haree Sing Baboo ...	Silk Handkerchiefs Coloured and 1 Piece white Silk.
1	Ditto ...	Raky Moolvie ...	Gold and Silver Ornaments.
1	Ditto ...	Captain Scott, or Havitt. address not known ...	4 Packets Envelopes.
1	Ditto ...	Gibson and Co. ...	Tobacco.
1	Ditto ...	Meer Ahmed, Peshawar ...	1 Pair Spectacles and 1 Penknife.
1	Ditto ...	Mr. C. Henfield, Lucknow	1 Black Frock Coat.
1	Ditto ...	G. Armstrong, Esq., Mooltan ...	A set of white Cornelian Studs.
1	Ditto ...	Major Tucker, Futtygurh	3 Vol. Books.
1	Ditto ...	A. C. Smith, Esq., Shahjehanpore ...	5 Vol. Books.
1	Ditto ...	Captain Peterson, Lahore	1 Pouch and Belt.
1	Ditto ...	Shahzada Mohamed, Station unknown. ...	2 Pairs Socks, 1 Bag Snuff, 1 Cap.
1	Ditto ...	Private Crighton, 3rd Co. 1st Battn. Arty., Lucknow...	1 Box Pills.
1	Ditto ...	Huges E.T. Depot. R. Pindee	Rupees 10 in Cash.
1	Ditto ...	Ahmed Khan, Sepoy, Anoopshuhur ...	1 Silk Handkerchief.
1	Tin Case ...	Col. M. C. Johnston, McGrigor and Co., London	Bearing Steam Postage contains Delhie Pictures.
1	Box ...	H. Lewis and Co., Calcutta	Cheroots.
1	Parcel. ...	Narain Dass, Mirzapore ...	Medicines.
1	Ditto ...	Q. Mr. Sergeant Mitchell, H. M's. 61st Regiment...	Shirts and Children's Shoes.
1	Basket ...	Ditto ditto ..	2 Small Beaver Hats.
1	Parcel ...	Khooshial Khan, Rissaldar, Etawah ...	2 Lace Caps.
1	Ditto ...	Captain Cleveland, Cawnpore ...	1 Coat, 1 pair Pantaloons 1 Pugree, Kakee Cloth.
1	Small Box ...	No address ...	1 Gold Ring, Red Stone.
1	Parcel ..	Mr. Pereira ...	One Black Alpacca Coat.
1	Ditto ...	Captain Godfrey, Military Train ...	Two Chains, Bridles.
1	Ditto ...	Shahzada Sultan ...	1 Cap and bag of Snuff.
1	Ditto ...	W. Parker ...	1 Pair of Socks, two pairs Pantaloons, one Shirt, and one Coat.
1	Ditto ...	Civil Surgeon, Mooltan ...	An Anatomical preparation.
1	Box ...	Miss Carbery, Benares ...	Millinery.
1	Ditto ...	Mrs. Hall, Secrora ...	1 Child's Frock, a Cape and two Dolls.
1	Parcel ...	Cox and Co., Mooltan ...	One Shoe.
1	Ditto ...	Mrs. M. Troup, Fyzabad...	Two Crochet Needle Cases.
1	Ditto ...	Mrs. Beaumont, Meerut ...	One pair Hair Pads.
1	Ditto ...	No address ...	Four pairs Socks and two Handkerchiefs.
1	Ditto ...	Messrs White and Co., Meerut ...	One piece scarlet for a Tunic and Buff Facings.
1	Ditto ...	Dr. W. Carey ...	One Silver Hunting Watch, Chain and Key, one Signet Ring with Crest.
1	Ditto ...	No address ...	Four white and six colored Shirts, one Felt Hat and six Merino Banians.
1	Ditto ...	H. Jarrett ...	One Horse Artillery Undress Jacket.
1	Tin Case ...	Lieut. Phillpot ...	1 Pair Spectacles.
1	Parcel ...	Major Brown ...	2 Delhie Gold-Worked Scarfs.
1	Ditto ...	Mr. Merrin ...	Plum Cake.

LAHORE,
The 12th April 1859.

G. PATON,
Post-Master General, N. W. P.

Printed and Published for the Government, by THOMAS JONES, *at the Office of the Bengal Secretariat, Calcutta.*

SUPPLEMENT TO

The Calcutta Gazette.

SATURDAY, MAY 7, 1859.

LAND SALE NOTICES.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Tirhoot, will be put up to public and unreserved Sale, for Arrears of Revenue, at the Office of the Collector of that District, on Thursday, the 12th May 1859, corresponding with 25th Bysack 1266 Fuslee:—

Class I.—Permanently-settled Estates.

No. 3.—Mouzah Sonepore, Pergunnah Ahir, recorded proprietors, Gyan Sing Doss and others; sudder jumma, rupees 300-6-5.

No. 73.—Mouzah Jownapore, Roodur and others, Pergunnah Balagatch; recorded proprietors, Jorawan Sing and others; sudder jumma, rupees 144-2-8.

No. 147.—Mouzah Jhuckrah Seikh, Tuppeh Bhutsullah, Pergunnah Birarah; recorded proprietors, Bukhtour Sing and others; sudder jumma, rupees 237-14-8.

No. 223.—Mouzah Mahomedpore, Pergunnah Bhallah; recorded proprietors, Jankee Jha and others; sudder jumma, rupees 543-6-6.

No. 375.—Mouzah Kulwarah, Chuck Kulwarah, Pergunnah Bhurwarrah; recorded proprietors, Roopnarain Doobey and others; sudder jumma, rupees 116-1-4. This Mehal is under Butwarrah, the rights and interests only of Bustee Misser, Mukhdoomun, Sheronarain Doobey, Hurjan Thakoor, Nehal Misser, Lutchmeenath Misser, Oogree Misser, Dhurm Dutt Misser, Buddree Thakoor, Mussumut Bebee Jeetun, Mussamut Hushmut oolnissa oorf Bebee Dhomun, Nath Jha, Shewdyal Doobey, Deonath Misser, Sheikh Budloo, Pudoomlall Mullick, Mussamut Ramdhunee Misserain, Kubeeroolnissa, Pultun Jha, Bhugowan dutt Thakoor, and Oochit Thakoor, Defendants, are to be sold.

No. 384.—Mouzah Judoo Mehree, Pergunnah Barail; recorded proprietors, Fuquerollah and others; sudder jumma, rupees 122-10.

No. 408.—Mouzah Ghoograha, Pergunnah Barail; recorded proprietors, Bhugowuntnarin Sing and others; sudder jumma, rupees 439-13-6.

No. 698.—Mouzah Bishonpore Hiraram and others, Chuckley Girjowl, Pergunnah Bisarah; recorded proprietors, Gopaul Doss and others; sudder jumma, rupees 430-11.

No. 766.—Mouzah Panapore, Seelowthur Chuckley Girjowl, Pergunnah Birarah; recorded proprietors, Dowlutram and others; sudder jumma, rupees 446-0--11.

No. 779.—Mouzah Rohoah Shah Mean, Chuckley Girjowl, Pergunnah Bisarah, recorded proprietors, Sheik Bohorah and others; sudder jumma, rupees 473-2-7.

No. 999.—Mouzah Rujwarah Dhee Chuckley Girjowl, Pergunnah Birarah; recorded proprietors, Dirghgopaul Sing and others; sudder jumma. rupees 58-2-3. This Mehal is under Butwarrah, the rights and interests only of Quhbul Misser, Bala Misser, Mussamut Sunsaree Kowur, Juggoo Misser, Pertaub Misser, Rungloll Misser, Senahoe Misser, Mussamut Buchunoo Kowur, Balchand Misser, Rughoobunsee Tewaree, and Gobind Tewaree, defendants, are to be sold.

No. 1187.—Mouzah Bhoojpore, Pergunnah Hajeepore, recorded proprietor, Lall Jee; sudder jumma, rupees 394-15-6.

No. 1211.—Mouzah Khilwut, Pergunnah Hajeepore; recorded proprietors, Kowur Mahto and others; sudder jumma, rupees 854-6-6.

No. 1385.—Mouzah Bishonpore Khord, Pergunnah Hattee; recorded proprietor, Jankeedutt Chowdry; sudder jumma, rupees 76-7-0.

No. 1509.—Mouzah Minahpore, Syud Mahmood, Pergunnah Hajeepore; recorded proprietors, Sheikh Fuzul Allee and others; sudder jumma, rupees 173-14-6.

No. 1516.—Mouzah Supta, Pergunnah Hajeepore; recorded proprietors, Lokurmun Opudhia and others; sudder jumma, rupees 115-2-9.

No. 1537.—Uz Ruqba Chooptah, Pergunnah Jubdee; recorded proprietor, Mussamut Sahuj Dye; sudder jumma, rupees 73-2-8.

No. 1550.—Uz Ruqba Sutghura, Pergunnah Jubdee; recorded proprietor, Urjoon Thakoor; sudder jumma, rupees 94-5-5.

No. 1653.—Uz Ruqba Doolarpore Byse, Pergunnah Kunowlee, Zillah Toorkee; recorded proprietors, Shah Koodrutallee and others; sudder jumma, rupees 160-14-10.

No. 2022.—Mouzah Bhanduree Bhutowleah, Pergunnah Mehela, Zillah Toorkee; recorded proprietors, Shewlall Sing and others; sudder jumma, rupees 648-13-5.

No. 2057.—Mouzah Bishenpore Ram and others, Chuckley Nye, Pergunnah Bisarah; recorded proprietors, Chuckunlall and others; sudder jumma, rupees 311-10-8.

No. 2182.—Mouzah Khuleelpore, Chuckley Nye, Pergunnah Bisarah; recorded proprietors, Meer Mozuferallee and others; sudder jumma, rupees 221-1-11.

No. 2195.—Mouzah Sulahpore Boodhun, Chuckley Nye, Pergunnah Bisarah; recorded proprietors, Meer Gholaum Shah and others; sudder jumma, rupees 150-6-5.

No. 2229.—Mouzah Bhugowanpore Beerbul, Chuckley Nye, Pergunnah, Bisarah; recorded proprietors, Juggernath Sing and others; sudder jumma, rupees 194-13-0.

No. 2246.—Mouzah Bishenpore Dhunarjay, Chuckley Nye, Pergunnah Bisarah; recorded proprietors, Munsha Misser and others; sudder jumma, rupees 53-4-10.

No. 2585.—Mouzah Turownee, Pergunnah Puchimbheegoo; recorded proprietors, Goberdhun Roy and others; sudder jumma, rupees 50-10-8.

No. 2799.—Mouzah Etwarpore, Pergunnah Ruttee; recorded proprietors, Maharaj Sing and others; sudder jumma, rupees 71-9-6.

No 2800.—Mouzah Etwarpore, Pergunnah Ruttee; recorded proprietors, Nischul Sing and others; sudder jumma, rupees 67-6-0.

No. 3010.—Mouzah Hushunpore Sugawon, Pergunnah Sureisa; recorded proprietors, Birjbeharee Panday and others; sudder jumma, rupees 1,045-6-10. This Mehal is under Butwarrah, the rights and interests of Jowahur Panday, Puraoo Panday, Rowdee Panday, Juttee Panday, Beharee Panday, Byjun Panday, Jhugroo Panday, Goodur Panday, Munroop Panday, Umrit Panday, applicants, 14th parties, and Mussamut Keerutbutty Kowur, 15th party to the Butwarrah are to be sold.

No. 3062.—Mouzah Sumurtha, Pergunnah Sureisa; recorded proprietor, Boybeharee Lall; sudder jumma, rupees 467-6-8.

No. 3083.—Mouzah Kuleanpore Bomeya, Pergunnah Sureisa; recorded proprietors, Ameer Lall, sudder jumma, rupees 5,018-10-10. This Talook is under Butwarrah, the rights and interests only of Bundhoo Sing, Mowlee Sing, Chutterdhary Sing, Soodee Sing, Bheekdhary, Sing, Doomah Sing, Kowur Chowdry, Ramchunder Chowdry, Jeetun Chowdry, Booneead Chowdry, Goordyal Chowdry, Fuquera Roy, Shew Ram Roy, Gungapersaud, Doomee Loll, Ramdyal Jha, Hoolas Jha, Khukroo Jha, Bhyeah Ram Jha, Gholaub Jha, Kishnaram Jha, Runjeet Jha, Munoo Sing, Runnoo Sing, Hirdaynarain Sing, Shewdyal Sing, Hardhean Sing, Burmah Sing, Govinda Sing, Rameaun Sing, Rambux Sing, Bumoodee Sing, Pursun Sing, Dursun Sing, Ramgopaul Sing, Johahur Lall, Gunnesh Dutt, Busraj Sing, Boodhun Sing, Lulleetram, Neeladoss, Munrunjun Doss, Sree Kishun Doss, Joylall Misser, Choonnee Lall Misser, Joyanund Misser, Mootee Lall Misser, Hur Narain, Shewnarain, Bundhoo Jha, Gooroopersaud Sing, Rambhuroos Sing, Bhoopnarain Sing, Jankee Misraine, Kooldeepersaud Sham Jha, Rithlall Chowdry, Joorawan Chowdry, original heirs of Singessur Dutt Chowdry, Mussamut Sooha Kowur, mother and guardian of Karee Chowdry, and Banee Lall Chowdry, oorf Mukoonee Chowdry, minor sons and heirs of the late Jugomohun Chowdry, Barum Dutt Chowdry, Muncheet Chowdry, Ramsahal Sing and Mahtab Sing, Defendants, are to be sold.

No. 3253.—Mouzah Mooradpore, Pergunnah Sureisa; recorded proprietors, Surdha Sing and others; sudder jumma, rupees 65-15-4.

No. 3364.—Chuck Abdool Rusool, Pergunnah Sureisa; recorded proprietors, Meer Nuzurallee and others; sudder jumma, rupees 60-9-0.

No. 3392.—Mouzah Saracheah, Pergunnah Tilluckchawand; recorded proprietors, Rughoobeer Sing and others; sudder jumma, rupees 306-2-7.

No. 3393.—Mouzah Roopowlee Boozoorg, Pergunnah Sureisa; recorded proprietors, Bebee Bholun and others; sudder jumma, rupees 206-4-4.

No. 3499.—Mouzah Esa Chuck, Pergunnah Sureisa; recorded proprietors, Ramdial Jha and others; sudder jumma, rupees 206-4-4.

H. L. Dampier,
Offg. Collector.

Tirhoot;
Collector's Office,
The 16th April 1859.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estate, in Zillah Shahabad, will be put up to public and unreserved Sale, for Arrears of Revenue, at the Office of the Collector of that District, on Friday, the 20th May 1859, corresponding with 4th Jait 1266 F. S.:—

Class I.—Permanently-settled Estate.

No. 34.—Mehal Bhoputpoor, Pergunnah Arrah, Jankeeram, Chowaloll Sewsahae Sing, Muheepnarain, recorded proprietors; sudder jumma, rupees 261.

A. Hope,
Offg. Collector.

Shahabad Collectorate;
Buxar,
The 27th April 1859.

Printed by Thomas Jones, at the Bengal Secretariat Office.

FOR THE QUARTER ENDING 31st MARCH 1859.

in Persian, Oordoo, Hindee, and Bengalee held in February 1859.

BENGALEE.

Nos.	NAMES.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Mangles ...	B.	8th April 1858.	10th April 1858.	Passed on the 1st instant. Has to pass in a second language.
2	Maclean ...	B.	28th May 1858.	31st May 1858.	Not passed in any language.
3	Oliphant ...	B.	8th April 1858.	10th April 1858.	Passed in Oordoo 3rd November 1858.
4	Graham ...	B.	8th April 1858.	10th April 1858.	Passed in Oordoo 3rd November 1858.
5	Trotter ...	B.	24th Nov. 1855.	27th Nov. 1855.	Absent from Examination on Medical Certificate. Passed in Oordoo 11th January 1859.
6	Kean ...	B.	30th Oct. 1857.	2nd Nov. 1857.	Studying at Berhampore. Passed in Oordoo 4th October 1858.
7	Humphery ...	B.	8th April 1858.	10th April 1858.	Studying at Sylhet. Passed in Oordoo with marked proficiency 1st September 1858, and received a Modal of Merit.

No.

QUARTERLY REPORT OF THE BOARD OF EXAMINERS

Report on the Examination of the Junior Unpassed Civil Servants

PERSIAN.

Nos.	NAMES.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Morris ...	N. W. P.	1st Jan. 1859.	... ...	Passed on the 1st instant. Has to pass in a second language.
2	Burney ...	N. W. P.	12th Feb. 1858.	18th Feb. 1858.	Passed in Hindee 1st September 1858.
3	Middlemass ...	N. W. P.	28th May 1858.	31st May 1858.	Passed in Hindee 1st February 1859.
4	Saunders ...	N. W. P.	26th Sept. 1858.	1st Oct. 1858.	Studying at Delhi. Not passed in any language.

FOR THE QUARTER ENDING 31st MARCH 1859.

in Persian, Oordoo, Hindee, and Bengalee held in March 1859.

OORDOO.

Nos.	NAMES.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	D'Oyly ...	B.	28th May 1858.	31st May 1858.	Passed on the 1st instant. Qualified for the Public Service, having passed in Bengalee 1st October 1858.
2	Geoghegan ...	B.	29th June 1858.	.. ..	Not passed in any language.
3	Park ...	B.	23rd June 1858.	28th June 1858.	Passed in Bengalee 3rd November 1858.
4	Mangles ...	B.	8th April 1858.	10th April 1858.	Passed in Bengalee 1st February 1859.
5	Powlett ...	B.	12th Feb. 1859.	.. ..	Not passed in any language.
6	Smith ...	B.	12th Feb. 1859.	.. ..	Not passed in any language.
7	Gardner ..	B.	12th Feb. 1859.	.. ..	Not passed in any language.
8	Hewitt ...	B.	12th Feb. 1859.	.. ...	Not passed in any language.
9	Whinfield ...	B.	25th Feb. 1859.	.. ..	Not passed in any language.
10	Eades ...	B.	25th Feb. 1859.	... ...	Not passed in any language.
11	Carnac ...	B.	12th Nov. 1858.	17th Nov. 1858.	Studying at Dacca. Not passed in any language.

QUARTERLY REPORT OF THE BOARD OF EXAMINERS

Report on the Examination of the Junior Unpassed Civil Servants

HINDEE.

Nos.	NAMES.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Wynne ...	N. W. P.	10th Jan. 1859.	... ...	Not passed in any language.
2	Brown ...	N. W. P.	10th Jan. 1859.	... ...	Not passed in any language.
3	Watts ...	N. W. P.	10th Jan. 1859.	... ...	Not passed in any language.
4	Kaye ...	N. W. P.	8th April 1858.	10th April 1858.	Passed in Persian 4th January 1859.
5	Fitzpatrick ...	N. W. P.	29th Jan. 1859.	... ...	Not passed in any language.
6	Howell ...	N. W. P.	27th Jan. 1859.	... ...	Permitted to study at Meerut. Passed in Persian 1st February 1859.

FOR THE QUARTER ENDING 31st MARCH 1859.

in Persian, Oordoo, Hindee, and Bengalee held in March 1859.

BENGALEE.

Nos.	NAMES.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Maclean ...	B.	28th May 1858.	31st May 1858.	Not passed in any language.
2	Oliphant ...	B.	8th April 1858.	10th April 1858.	Passed in Oordoo 3rd November 1858.
3	Graham ...	B.	8th April 1858.	10th April 1858.	Passed in Oordoo 3rd November 1858.
4	Alexander ...	B.	10th July 1858.	16th July 1858.	Passed in Oordoo 1st February 1859.
5	Sperling ...	B.	12th Feb. 1859.	... ...	Not passed in any language.
6	Kean ...	B.	30th Oct. 1857.	2nd Nov. 1857.	Studying at Berhampore. Passed on the 1st instant. Qualified for the Public Service, having passed in Oordoo 4th October 1858.
7	Humphery ...	B.	8th April 1858.	10th April 1858.	Studying at Sylhet. Passed in Oordoo with marked proficiency 1st Sept. 1858, and received a Medal of Merit.
8	Kemble ...	B.	8th April 1858.	10th April 1858.	Studying at Dacca. Passed in Oordoo 1st February 1859.
9	Trotter ...	B.	24th Nov. 1855.	27th Nov. 1855.	Absent from Calcutta on Medical Certificate. Passed in Oordoo 11th January.

By Order of the Board of Examiners,

WM. N. LEES,

Secy. to the Board of Examiners.

By Order of the Right Hon'ble the Governor General in Council,

W. GREY,

Secy. to the Govt. of India.

PRINTED BY THOMAS JONES, AT THE BENGAL SECRETARIAT OFFICE.

The Calcutta Gazette,

EXTRAORDINARY.

SATURDAY, FEBRUARY 12, 1859.

No. 176.

NOTIFICATION.

Fort William, Military Department.

THE 12TH FEBRUARY 1859.

ON MONDAY the 14th instant, the 1ST MADRAS FUSILIERS will arrive at Calcutta to embark for Fort St. George.

It is due to this distinguished Regiment, that it should not leave Bengal without receiving from the Government of India a marked acknowledgment of its eminent Services.

Led by their able and intrepid Commander, the lamented Brigadier-General NEILL, the MADRAS FUSILIERS were the first to carry Relief and Security to Benares and Allahabad. They formed a part of the Force which, under Major-General Sir H. HAVELOCK, first penetrated to Cawnpore and Lucknow. They shared in the long sustained Occupation of Alum Bagh under Lieutenant-General Sir J. OUTRAM, and in the Reduction of Lucknow by His Excellency the Commander-in-Chief, and they have borne an active part in the final and complete re-establishment of the QUEEN'S Authority in Oude.

After twenty months of arduous Service, the MADRAS FUSILIERS are about to return to their Presidency, their work fully accomplished, and their high character as Soldiers enhanced.

His Excellency the Viceroy and Governor General of India in Council will receive the Regiment with public Honors.

The Regiment will arrive at the Terminus at Howrah about 4 P. M., and will be paraded at 5 o'clock P. M. before the Stairs of the Great Entrance of Government House, there to be received by His Excellency.

The Troops in Town and Garrison will be paraded in front of Government House at half past 4 o'clock P. M.

All the Civil Officers of the Government, the Officers of the Garrison and General Staff, and all other Military and Naval Officers at the Presidency, except those on duty, are requested to be in attendance at the Great Entrance of Government House, at 5 o'clock.

All Ships of War and Government Vessels in the River will be dressed in honor of the occasion.

After their reception by His Excellency the Governor General, the MADRAS FUSILIERS will march out by the West Gate, and by the River Side to the Dock-Yard beyond Hastings Bridge, where they will immediately embark on board their Ships. On their march, the Regiment will be saluted by the Fort and by Her Majesty's Ship *Pearl*.

By Order of His Excellency the Viceroy and Governor General of India in Council.

R. J. H. BIRCH, MAJOR-GENERAL,
Secretary to the Government of India,
in the Military Department.

PRINTED BY THOMAS JONES, AT THE BENGAL SECRETARIAT OFFICE.

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The Troops in Town and Garrison will be paraded in front of Government House at half past 4 o'clock P. M.

All the Civil Officers of the Government, the Officers of the Garrison and

No. 38.] [1097]

The Calcutta Gazette.

WEDNESDAY, MAY 11, 1859.

Legislative Council of India.

THE 30TH APRIL 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 30th April 1859, and is hereby promulgated for general information:—

ACT No. IX OF 1859.

An Act to provide for the adjudication of claims to property seized as forfeited.

WHEREAS it is expedient to make provision for the adjudication of claims to property seized as forfeited, with a view to the speedy determination of the same; and whereas it is also expedient to remove doubts concerning the powers of Officers or other persons to whom Commissions may have been issued for the trial of heinous offences in certain districts, and concerning the validity of convictions and adjudications of forfeiture made by such Officers or other persons; It is enacted as follows:—

Preamble.

I. It shall be lawful for the Executive Governments of the Lower and North-Western Provinces of the Presidency of Bengal, to establish within any part of the Territories subject to their respective Governments, Courts of Special Commission for the trial and determination of claims to property seized as forfeited, and to assign, from time to time, such local jurisdiction to the Courts so established as may appear proper. Provided that no additional expense shall be incurred by the establishment of any such Court without the previous sanction of the Governor General of India in Council.

Courts of Special Commission to be established.

Proviso.

II. Every Court established under this Act shall consist of not less than three Commissioners who shall sit together for the trial and determination of claims; but any one or more of them shall have power to make all such orders as may be necessary for preparing the cases that may be instituted for trial and decision.

Court to consist of three Commissioners.

III. Whenever any Court shall be established under the provisions of this Act, with jurisdiction in any district or districts, notice thereof shall be given by a written proclamation, of which copies shall be affixed in the several Courts and in the Offices of the several Collectors and Magistrates of such district or districts; and the powers heretofore vested in the Courts of such district or districts in respect of all cases cognizable by the Courts established under this Act, shall be suspended until such Courts shall be informed, by an order under the signature of the Secretary to Government, that the local jurisdiction of such Court of Special Commission has ceased, of which notice shall be given by proclamation in the manner aforesaid.

Notification of establishment of Court in any District.

IV. Any case pending before any Court sitting as a Court of original jurisdiction at the time of the passing of this Act, in respect of a matter made cognizable by Courts established under its provisions, shall be transferred to the Court of Special Commission, within the limits of whose jurisdiction the property in dispute is situate, and such Court shall summon the defendant and proceed to dispose of the case in the same manner as if it had been instituted before it.

Transfer of pending suits.

V. The Courts established under this Act shall be held at such place within the limits of their respective jurisdiction, as shall from time to time be appointed by the local Government.

Court where to be held.

VI. The plaint in suits instituted under this Act shall be written on the stamp paper prescribed for petitions of plaint in regular suits, and shall contain the following particulars, namely,

Form of plaint.

The name, description, and place of abode of the plaintiff, the relief sought for, the subject of

the claim, and the cause of action; and if the suit be brought against a defendant other than the Government or some Officer on the part of Government, the name, description, and place of abode of such defendant.

Verification of plaint.

VII. The plaint shall be verified in the manner prescribed for the verification of plaints in Section XXVII. Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)*; and if the plaint contain any averment which the person making the verification shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

Punishment for false averment in plaint.

Presentation of plaint.

VIII. The plaint may be presented by the plaintiff in person or by his duly constituted representative, either in the principal Civil Court of original jurisdiction in the district in which the property or any part of the property in dispute is situate, or in the Court of Special Commission having jurisdiction over the claim under this Act. If the plaint be not presented in the Court of Special Commission, it shall be forwarded to such Court without delay.

Procedure before hearing of suit.

IX. The Court shall fix a day for the appearance of the parties and for the hearing of the suit, of which due notice shall be given to the parties or their representatives, and on the day so fixed the parties shall bring their witnesses into Court, together with any documents on which they may intend to rely in support of their respective statements. If either party require the assistance of the Court to procure the attendance of a witness on such day, he shall apply to the Court in sufficient time before the day fixed for the hearing of the suit, and the Court shall issue a subpœna requiring such witness to attend the Court on that day. It shall be competent to the Court to require the personal attendance of the plaintiff on the day fixed for the hearing of the suit or at any subsequent stage.

Procedure on hearing.

X. On the day fixed for the hearing of the suit or as soon after as may be practicable, the Court shall proceed to examine the plaintiff or his representative (when his personal attendance is not required) and the witnesses of the parties, and upon such examination and after inspecting the documents of the parties and making any further enquiry that may appear necessary, shall proceed to pass such order in the case in respect both to the claim and to the costs of suit as it may consider just and proper.

Examination, &c., of witnesses.

XI. It shall not be necessary to take down the depositions of the witnesses in writing at length; but the Court, as the examination of each witness proceeds, shall reduce into writing the substance of what such witness deposes, and the deposition so taken shall form part of the record. In all other respects the provisions of the Regulations and Acts for procuring the attendance of witnesses and for the examination, remuneration, and punishment of witnesses in suits before the Civil Courts, shall be of equal force and effect in cases tried under this Act.

Decisions.

XII. The rules contained in Act XII of 1843 *(concerning the time at which and the language in which the decisions of the Judges in the Courts of the East India Company are to be written)* shall be applicable to decisions passed under this Act.

No appeal.

XIII. No appeal shall lie from any decision passed under this Act, nor shall any such decision be open to revision.

Execution of decrees.

XIV. The decrees of the Courts of Special Commission established under this Act shall be enforced by the Civil Courts of the district in which the property in dispute is situate, under the rules applicable to the execution of decrees passed by those Courts.

Records of cases where to be deposited.

XV. The records of cases disposed of by Courts established under this Act shall be deposited amongst the records of the principal Civil Court of original jurisdiction in the district in which the property in dispute is situate.

Validity of convictions of offences involving forfeiture of property not to be questioned by any Court.

XVI. Whenever any person shall have been convicted of an offence for which his property was forfeited to Government, no Court has power in any suit or proceeding relating to such property, to question the validity of the conviction.

Validity of conviction not to be questioned because the record does not show in what capacity the convicting Officer acted.

XVII. Whenever any person shall have been convicted as above by an Officer having power to try and convict, the validity of any such conviction shall not be questioned upon the ground that the record of the conviction does not show in what capacity such Officer acted, or that it represents him to have acted in a different capacity from that in which he had power to convict.

Property attached without adjudication of forfeiture.

XVIII. Whenever any property shall have been attached or seized without either conviction or an adjudication of forfeiture by any Officer of Government as property forfeited or liable to be forfeited to Government for an offence for which upon conviction the property of the offender would be forfeited, the validity of such attachment or seizure shall not be called in question by any Court or other authority in any suit or proceeding, unless

Validity of such attachment not to be questioned unless offender surrender within one year and be acquitted, &c.

the offender or alleged offender shall, within one year after the seizure of his property, have surrendered himself for trial and upon trial before a competent Court shall have been or shall be acquitted of the offence and shall prove to the satisfaction of the Court that he did not escape or keep out of the way for the purpose of evading justice. Nothing

Proviso.

in this Section shall extend to persons entitled to pardon under Her Majesty's proclamation published in the Calcutta Gazette Extraordinary dated the 1st

November 1858, or to any person who, having surrendered himself within the period of one year after the seizure of his property, shall be discharged by order of Government without a prosecution.

Release of property attached as forfeited.

XIX. No Judge or other person acting as Commissioner under the provisions of Acts XIV and XVI of 1857 has power to release property attached or seized as forfeited or as liable to be forfeited to Government except under the provisions of Section VIII Act XXV of 1857, when the offender or alleged offender shall have surrendered himself for trial and shall be tried and acquitted by such Judge or Commissioner, and shall prove that he did not escape or keep out of the way for the purpose of evading justice; and any order passed by any such Judge or Commissioner for the release of any property attached or seized as forfeited or liable to be forfeited to Government, except upon the acquittal before him of the person accused, and upon proof that he did not escape or keep out of the way for the purpose of evading justice, is hereby declared null and void.

Act not affect the rights of parties not charged with an offence punishable by forfeiture of property.

XX. Nothing in this Act shall be held to affect the rights of parties not charged with any offence for which upon conviction the property of the offender is forfeited, in respect of any property attached or seized as forfeited or liable to be forfeited to Government; provided that no suit brought by any party in respect of such property shall be entertained unless it be instituted within the period of one year from the date of the attachment or seizure of the property to which the suit relates.

Proviso.

W. MORGAN,

Clerk of the Council.

THE 30TH APRIL 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 29th April 1859, and is hereby promulgated for general information:—

ACT No. X. OF 1859.

An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.

Preamble.

WHEREAS it is expedient to re-enact with certain modifications the provisions of the existing law relative to the rights of ryots with respect to the delivery of pottahs and the occupancy of land, to the prevention of illegal exaction and extortion in connection with demands of rent, and to other questions connected with the same; to extend the jurisdiction of Collectors, and to prescribe rules for the trial of such questions, as well as of suits for the recovery of arrears of rent, and of suits arising out of the distraint of property for such arrears; and to amend the law relating to distraint; It is enacted as follows:—

Laws repealed.

I. The following Regulations and Acts and portions of Regulations and Acts are hereby repealed, except in so far as they repeal any other Regulation or Act, and except as to proceedings commenced before the date of this Act coming into force, namely—

Regulation XVII. 1793 *(to empower landholders to distrain and sell the personal property of ryots &c.)*,

So much of Regulation IV. 1794 *(to determine disputes regarding the grant of pottahs to ryots &c.,)* as is still in force,

Regulation XXXV. 1795 *(for better enabling individuals to recover arrears of rent or revenue due to them)*,

Regulation XLV. 1795 *(to empower landholders in the Province of Benares to distrain &c.)*,

Sections IX and X Regulation LI. 1795 *(respecting ryotty pottahs in the Province of Benares.)*,

Sections I to XX Regulation VII. 1799 *(to enable landholders to realize their rents with greater punctuality &c.)*,

Sections I to XX Regulation V. 1800 *(to enable landholders in the Province of Benares to realize their rents with greater punctuality &c.)*,

Regulation XXVIII. 1803 *(to empower landholders in the Ceded Provinces to distrain &c.)*,

Sections IX and X Regulation XXX. 1803 *(prescribing rules for the grant in the Ceded Provinces of pottahs to ryots &c.)*,

Section IV Regulation II. 1805 *(to provide a limitation of time for certain suits &c.)*,

Section XIX Regulation VIII. 1805 *(for extending certain Regulations to the Ceded and Conquered Provinces &c.)*,

Sections V to XXIII Regulation V. 1812 *(for amending some of the rules at present in force for the collection of the Land Revenue)*,

Sections XV and XVI Regulation XIX. 1817 *(for amending certain Regulations in force relative to process for recovery of arrears of rent)*,

Section XXVII Regulation XX. 1817 *(relating to resistance to distraint for arrears of rent &c.)*,

Sections XVIII and XIX Regulation VIII. 1819 *(relating to Putnee Talooks and the system established for the collection of rents generally &c.)*,

Section IV Regulation II. 1821 *(relating to the duties of City and Zillah Judges &c.)*,

Section XXII, and so much of Section XX and the following Sections of Regulation VII. 1822 *(relating to the settlement of the Land Revenue in the Ceded Provinces and Cuttack)* as apply to suits for rent, to complaints of excessive demand or undue exaction of rent, or of the non-delivery of pottahs or receipts, to suits against agents for money or accounts, or to any other suits or complaints arising out of disputes between landholders or farmers and their under-tenants respecting the rent and occupancy of land,

Regulation XIV. 1824 *(for modifying the rules in force for referring to the Collectors summary suits in cases of arrear or exaction of rent)*,

Regulation VIII. 1831 *(for amending the existing provisions relative to the trial of summary suits and claims for arrears or exactions of rent)*,

Act I of 1839 *(relating to the appointment of persons to sell property distrained for the recovery of arrears of rent)*,

Act X of 1840 *(for regulating the proceedings in certain cases of distraint for arrears of rent)*, and

Act VIII of 1848 *(to modify the provisions of Sections IX, X, XI, and XIII of Regulation V. 1812 of the Bengal Code)*.

Sections XIV and XV Regulation IX. 1833 *(for the more speedy decision of certain suits, and for enforcing the production of village accounts.)* so

far as the same are applicable to the territories under the Government of the Lieutenant-Governor of Bengal, are also repealed.

Such parts of Regulation VIII. 1793 *(prescribing rules for the decennial settlement of the public Revenue in Bengal, Behar, and Orissa)*, and Regulation XXX. 1803, as relate to the adjudication of penalties for the refusal of pottahs and receipts for rent and for the exaction of any sums as abwab or in excess of the amount specified in any engagements for the payment of rent, and such parts of Section XXVI Act I of 1845 *(to amend Act No. XII of* 1841, *entitled "an Act for amending the Bengal Code in regard to sales of land for arrears of Revenue)"*, as relate to the enhancement of rents and the ejectment of tenants by the purchaser of an estate sold for arrears of Government Revenue, are declared subject to the following modifications.

Ryot entitled to a pottah.

II. Every ryot is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah containing the following particulars:

The quantity of land; and where fields have been numbered in a Government survey, the number of each field.

The amount of annual rent.

The instalments in which the same is to be paid.

And any special conditions of the lease.

If the rent is payable in kind, the proportion of produce to be delivered, and the time and manner of delivery.

Ryots holding land at fixed rates to receive pottahs.

III. Ryots who, in the Provinces of Bengal, Behar, Orissa, and Benares, hold lands at fixed rates of rent, which have not been changed from the time of the permanent settlement, are entitled to receive pottahs at those rates.

If rent of land be not changed for 20 years.

IV. Whenever, in any suit under this Act, it shall be proved that the rent at which land is held by a ryot in the said Provinces, has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the permanent settlement, unless the contrary be shown, or unless it be proved that such rent was fixed at some later period.

Ryots having right of occupancy but not holding at fixed rates, to receive pottahs.

V. Ryots having rights of occupancy, but not holding at fixed rates, as described in the two preceding Sections, are entitled to receive pottahs at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shown in a suit by either party under the provisions of this Act.

Right of occupancy of ryot cultivating or holding land for 12 years.

VI. Every ryot who has cultivated or held land for a period of twelve years has a right of occupancy in the land so cultivated or held by him, whether it be held under pottah or not, so long as he pays the rent payable on account of the same; but this rule does not apply to khomar, neejjote, or seer land belonging to the proprietor of the estate or tenure and let by him on lease for a term or year by year, nor (as respects the actual cultivator) to lands sublet for a term or year by year by a ryot having a right of occupancy. The holding of the father, or other person from whom a ryot inherits, shall be deemed to be the holding of the ryot within the meaning of this Section.

Saving of terms of written contracts.

VII. Nothing contained in the last preceding Section shall be held to affect the terms of any written contract for the cultivation of land entered into between a landholder and a ryot when it contains any express stipulation contrary thereto.

Pottahs to which ryots not having rights of occupancy are entitled.

VIII. Ryots not having rights of occupancy are entitled to pottahs only at such rates as may be agreed on between them and the persons to whom the rent is payable.

Person granting pottah entitled to a counterpart engagement.

IX. Every person who grants a pottah is entitled to receive from the person to whom the pottah is granted a kubooliyet or counterpart engagement in conformity with the terms of the pottah. The tender to any ryot of a pottah such as the ryot is entitled to receive shall be held to entitle the person to whom the rent is payable to receive a kubooliyet from such ryot.

Exactions in excess of rent or receipt withheld.

X. Every under-tenant or ryot, from whom any sum is exacted in excess of the rent specified in his pottah, or payable under the provisions of this Act, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent damages not exceeding double the amount so exacted or paid. Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid; and any refusal to make such specification shall be held to be a withholding of a receipt.

Form of receipt.

Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.

XI. The power heretofore vested in Zemindars and other landholders of compelling the attendance of their tenants for the adjustment of their rents or for any other purpose is withdrawn, and all such persons are prohibited from adopting any means of compulsion for enforcing payment of the rents due to them other than are authorized by the provisions of this Act.

Payment of rent to be enforced only under this Act.

Damages for extorting payment of rent by duress.

XII. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant or ryot by illegal confinement or other duress, such under-tenant or ryot shall be entitled to recover such damages, not exceeding in any case the sum of two hundred Rupees, as may be deemed a reasonable compensation for the injury done him by such extortion.

An award of compensation under this Section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law.

Enhancement of rent of ryot holding without, or after expiry &c. of written engagement.

XIII. No under-tenant or ryot, who holds or cultivates land without a written engagement not specifying the period of such engagement, or whose engagement has expired, or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or ryot, in or before the month of Cheit, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed. Such notice shall be served by order of the Collector on the application (which may be on plain paper) of the person to whom the rent is payable, and shall, if practicable, be served personally on the under-tenant or ryot. If for any reason the notice cannot be served personally upon the under-tenant or ryot, it shall be affixed at his usual place of residence, or if he have no such place of residence in the District in which the land is situate, the mode of service of such notice shall be by affixing it at the Mal cutcherry of such land or other conspicuous place thereon, or at the village Chowree or Chowpal or at some other conspicuous place in the village in which the land is situate.

Mode of contesting enhancement of rent.

XIV. Any under-tenant or ryot, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him, either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enhanced rent.

Dependent talookdar &c. holding land at fixed rent without change since permanent settlement not liable to enhancement of rent.

XV. No dependent talookdar or other person possessing a permanent transferable interest in land, intermediate between the proprietor of an estate and the ryots, who, in the Provinces of Bengal, Behar, Orissa, and Benares, holds his talook or tenure (otherwise than under a terminable lease) at a fixed rent, which has not been changed from the time of the permanent settlement, shall be liable to any enhancement of such rent, anything in Section LI Regulation VIII. 1793, or in any other law, to the contrary notwithstanding.

Rent of talookdar &c., not changed for twenty years to be *prima facie* evidence of occupancy at that rent since permanent settlement.

XVI. Whenever, in any suit under this Act, it shall be proved that the rent at which a talook or other tenure is held in the said Provinces has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that such talook or tenure has been held at that rent from the time of the permanent settlement, unless the contrary be shown, or it be proved that such rent was fixed at some later period.

Grounds on which ryot having right of occupancy is liable to enhanced rent.

XVII. No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him except on some one of the following grounds, namely :—

That the rate paid by him is below that prevailing in adjacent places.

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the value of the land &c. has increased independently of the ryot.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the quantity of land held by the ryot is greater than he has paid rent for.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

When ryot may claim abatement of rent.

XVIII. Every ryot having a right of occupancy shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by diluvion or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the ryot, or if the quantity of land held by the ryot has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

Relinquishment of land by ryot after notice given.

XIX. Any ryot who desires to relinquish the land held or cultivated by him, shall be at liberty to do so, provided he gives notice of his intention in writing to the person entitled to the rent of the land or his authorized agent in or before the month of Cheit of the year preceding that in which the relinquishment is to have effect. If he fail to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land. If the person entitled to the rent of the land or his agent refuse to receive any such notice and to sign a receipt for the same, the ryot may make an application on plain paper to the Collector who shall thereupon cause the notice to be served on such person or his agent in the manner provided in Section XIII.

What to be deemed an arrear of rent under this Act.

XX. Any instalment of rent which is not paid on or before the day when the same is payable according to the pottah or engagement, or, if there be no written specification of the time of payment, at or before the time when such instalment is payable according to established usage, shall be held to be an arrear of rent under this Act, and unless otherwise provided by written agreement, shall be liable to interest at twelve per centum per annum.

Liability of ryot to be ejected for arrear due.

XXI. When an arrear of rent remains due from any ryot at the end of the Bengal year or at the end of the month of Jeth of the Fusly or Willayutee year as the case may be, such ryot shall be liable to be ejected from

the land in respect of which the arrear is due.

Proviso.

Provided that no ryot, having a right of occupancy or holding under a pottah the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of farmer to have his lease cancelled for arrear adjudged due.

XXII. When an arrear of rent shall be adjudged to be due from any farmer or other lease-holder not having a permanent or transferable interest in the land, the lease of such lease-holder shall be liable to be cancelled, and the lease-holder to be ejected. Provided that no such lease shall be cancelled nor the lease-holder ejected otherwise than in execution of a decree or order under the provisions of this Act.

Proviso.

Cognizance of suits under this Act.

XXIII. 1. All suits for the delivery of pottahs or kubooliyets or for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered;

2. All suits for damages on account of the illegal exaction of rent or of any unauthorized cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress;

3. All complaints of excessive demand of rent, and all claims to abatement of rent;

4. All suits for arrears of rent due on account of land either kherajee or lakheraj, or on account of any rights of pasturage, forest-rights, fisheries, or the like;

5. All suits to eject any ryot or to cancel any lease on account of the non-payment of arrears of rent, or on account of a breach of the conditions of any contract by which a ryot may be liable to ejectment or a lease may be liable to be cancelled;

6. All suits to recover the occupancy or possession of any land, farm, or tenure, from which a ryot, farmer, or tenant has been illegally ejected by the person entitled to receive rent for the same;

7. All suits arising out of the exercise of the power of distraint conferred on Zemindars and others by Sections CXII and CXIV of this Act, or out of any acts done under color of the exercise of the said power as hereinafter particularly provided;

shall be cognizable by the Collectors of land revenue and shall be instituted and tried under the provisions of this Act and, except in the way of appeal as provided in this Act, shall not be cognizable in any other Court or by any other Officer or in any other manner.

Suits by Zemindars against their agents for money or accounts.

XXIV. Suits by Zemindars and others in receipt of the rent of land, against any agents employed by them in the management of land or collection of rents, or the sureties of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession, shall be cognizable by the Collectors, and shall be instituted and tried under the provisions of this Act, and shall not be cognizable in any other Court except in the way of appeal as provided in this Act.

Ejectment of cultivators, farmer, &c. by Zemindars.

XXV. If any Zemindar or other person in receipt of the rent of land requires assistance to eject any cultivator not having a right of occupancy, or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or tenancy, or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorized by any Regulation or Act, he shall make application to the Collector, and the Collector shall proceed thereupon to enquire into the case and pass orders in the manner provided for suits under this Act. Provided that no such application for the ejectment of a farmer on the determination of a lease shall be received, if the lease be of the kind denominated ticca zur-i-peshgee or the like, in which an advance has been made by the lease-holder, and the proprietor's right of re-entry at the end of the term is contingent on the re-payment of such advance either in money or by the usufruct of the land. In all such cases the parties must proceed by suit in the Civil Court.

Proviso.

Measurement of lands.

XXVI. When rent is payable by an under-tenant or ryot at a certain rate or rates according to the quantity of land held or cultivated by him, or when any written engagement conditioned for the payment of a certain amount of rent on account of land held or cultivated by an under-tenant or ryot has expired or become cancelled by the sale for arrears of revenue or rent of the estate or tenure in which the land is situate, the person to whom the rent is payable has a right to measure such land for the purpose of ascertaining the quantity of land actually held or cultivated by such under-tenant or ryot. And every proprietor of an estate or tenure has a right of making a general survey or measurement of the lands comprised in such estate or tenure unless restrained from doing so by express engagement with the occupants of the lands. If any person intending to measure any land which he has a right to measure is opposed in making such measurement by the occupant of the land, or if any under-tenant or ryot, having received notice of the intended measurement of land held or cultivated by him which is liable to such measurement, refuses to attend and point out such land, such person may make application to the Collector, and the Collector shall thereupon proceed to enquire into the case in the manner provided for suits under this Act, and shall pass an order either allowing or disallowing the measurement, and, if the case so require, enjoining or excusing the attendance of any such under-tenant or ryot. If any under-tenant or ryot after the issue of an order enjoining his attendance neglects to attend, it shall not be competent to him to contest the correctness of the measurement made in his absence.

Registry of transfers of talooks &c.

XXVII. All dependent talookdars and other persons possessing a permanent transferable interest in land intermediate between the Zemindar and the cultivator are required to register, in the Sherishteh of the Zemindar or superior tenant to whom the rents of their talooks or tenures are payable, all transfers of such talooks or tenures, or portions of them, by sale, gift, or otherwise, as well as all successions thereto, and divisions among heirs in cases of inheritance. And every Zemindar

r superior tenant is required to admit to registry and otherwise give effect to all such transfers, when made in good faith, and all such successions and divisions. If any Zemindar or superior tenant refuse to admit to registry or otherwise give effect to any such transfer or succession, the transferree or successor may make application to the Collector and the Collector shall thereupon proceed to enquire into the case in the manner provided for suits under this Act, and if no sufficient grounds are shown for the refusal, shall pass an order enjoining the Zemindar or superior tenant to admit to registry and otherwise give effect to such transfer or succession. Provided that no Zemindar or superior tenant shall be required to admit to registry or give effect to any division or distribution of the rent payable on account of any such tenure, nor shall any such division or distribution of rent be valid and binding without the consent in writing of the Zemindar or superior tenant.

Proviso.

XXVIII. So much of Section X Regulation XIX. 1793, Section X Regulation XLI. 1795, Section VI Regulation XXXI. 1803, Section XXI Regulation VIII. 1805, and Section XXIV Regulation XII. 1805, as authorizes and requires proprietors and farmers of estates and dependent talooks, in cases in which grants for holding land exempt from the payment of revenue have been made subsequent to the dates specified in the said Sections, of their own authority to collect the rents of such land and to dispossess the grantees of the proprietary right in the land and to re-annex it to the estate or talook in which it may be situate, is repealed; and any proprietor or farmer who may desire to assess any such land or to dispossess any such grantee shall make application to the Collector, and such application shall be dealt with as a suit under the provisions of this Act. Every such suit shall be instituted within the period of twelve years from the time when the title of the person claiming the right to assess the land or dispossess the grantee, or of some person claiming under him, first accrued. If such period has already elapsed, or will elapse within two years from the date of the passing of this Act, such suit may be brought at any time within two years from such date.

Applications to dispossess grantees of land exempt from revenue.

XXIX. All suits which under the provisions of this Act may be brought by or against Zemindars or other persons in the receipt of the rent of land, may be brought by or against Surburakars or Tuhseeldars of estates held under khas management, whether such estates are the property of Government or of individuals. If the Collector or the Suburakar or Tuhseeldar of any such estate in the Provinces of Bengal, Behar, and Orissa proceed against any defaulting ryot or under-tenant of such estate under the powers vested in him by Section XXV Regulation VII. 1799, and not according to the provisions of this Act, such ryot or under-tenant may contest the demand on account of which he is so proceeded against by suit in the Civil Court.

Suits by or against Surburakars or Tuhseeldars of estates held khas.

XXX. Except as otherwise herein provided, all suits instituted under this Act shall be commenced within the period of one year from the date of the accruing of the cause of action.

Time for commencement of suits generally.

XXXI. Suits for the delivery of pottahs or kubooliyets and for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered, may be instituted at any time during the tenancy.

Time for commencement of suits for grant of pottahs, &c.

XXXII. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal year, or from the last day of the month of Jeth of the Fusly or Willayuttee year in which the arrear claimed shall have become due. For arrears of rent due at the passing of this Act, suit shall be brought within three years after the passing of this Act; or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire. Provided that, if the suit be for the recovery of rent at a higher rate than was payable in the previous year, such rent having been enhanced after issue of notice under Section XIII and the enhancement not having been confirmed by any competent Court, the suit shall be instituted within three months from the end of the Bengal year or of the month of Jeth of the Fusly or Willayuttee year, on account of which such enhanced rent is claimed.

Time for the commencement of suits for arrears of rent.

Proviso.

XXXIII. Suits for the recovery of money in the hands of an agent or for the delivery of accounts or papers by an agent, may be brought at any time during the agency, or within one year after the determination of the agency of such agent, or in the case of claims now existing within one year after the passing of this Act or within the period now allowed for the institution of such suits in the Civil Court whichever may first expire. Provided that if the person having the right to sue shall, by means of fraud, have been kept from the knowledge of the receipt of any such money by the agent, or if any fraudulent account shall have been rendered by the agent, the suit may be brought within one year from the time when the fraud shall have been first known to such person; but no such suit shall in any case (except the case of claims now existing as aforesaid) be brought at any time exceeding three years from the termination of the agency.

Time for the commencement of suits against agents for money, papers, or accounts.

Proviso.

XXXIV. Suits under this Act shall be instituted by presenting to the Collector a plaint or statement of claim which shall contain the name, description, and place of abode of the plaintiff; the name, description, and place of abode of the defendant, so far as they can be ascertained; the substance of the claim, and the date of the cause of action.

Mode of instituting suits. Form of plaint or statement of claim.

XXXV. The statement of claim shall be presented by the plaintiff, or by an authorized agent of the plaintiff who has personal knowledge of the facts of the case, or by an agent who shall be accompanied by a person who has such knowledge.

Statement by whom to be presented.

XXXVI. The statement of claim shall be subscribed and verified at the foot by the plaintiff or his agent in the manner following, or to the like effect:

Verification of statement.

I. A. B. do declare that the above statement is true to the best of my knowledge and belief.

If the statement shall contain any averment which the person making the verification shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence.

Punishment for false verification.

XXXVII. In suits for the recovery of arrears of rent or of money in the hands of an agent, the statement of claim shall be written on paper bearing a stamp of one-fourth the value prescribed for suits instituted in the Civil Court. In all other suits the statement shall be written on paper bearing a stamp of the value of eight annas. No stamp shall be required in respect of the production or filing of any document, or the summoning of any witness, or of any application for the execution of any order or judgment passed in a suit under this Act.

Statement of claim to be written on stamped paper.

No stamp duty to be required for filing documents &c.

XXXVIII. If the plaintiff rely in support of his claim on any document in his possession, he shall deliver the same to the Collector at the time of presenting his statement of claim. Unless such document be delivered in, or its non-production be sufficiently excused, or unless the Collector see fit to extend the time for producing the same, it shall not afterwards be admitted.

Documentary evidence to be produced by plaintiff.

XXXIX. If the plaintiff require the production of any document in the possession or power of the defendant, he may at the time of presenting his statement of claim, deliver to the Collector a description of the document in order that the defendant may be required to produce the same.

If plaintiff require production of document from defendant.

XL. If the suit be for the recovery of an arrear of rent, the statement shall specify the name of the village and estate, and of the Pergunnah or other local division in which the land is situate; and if the arrear is alleged to be due from any ryot, the quantity of land, and where fields have been numbered in a Government Survey, the number of each field; the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due.

Form of plaint in suits for arrears of rent.

XLI. If the suit be for the ejectment of a ryot, farmer, or tenant, from any land, farm, or tenure, or for the recovery of the occupancy or possession of any land, farm, or tenure, the statement shall describe (as circumstances may require) the extent, situation, and designation of the same; and if necessary for the identification of the land, shall set forth the boundaries of such land.

Form of plaint in suits for ejectment of ryot, &c., or for recovery of occupancy or possession of land, &c.

XLII. If the statement of claim do not contain the several particulars herein before required to be specified therein, or be not subscribed and verified as hereinbefore required, the Collector may return the statement to the plaintiff, or at his discretion allow it to be amended.

Statement may be returned or allowed to be amended.

XLIII. If the statement of claim be in proper form, the Collector, except as otherwise hereinafter especially provided, shall direct the issue of a summons to the defendant, and if the plaintiff require the personal attendance of the defendant, and satisfy the Collector that such personal attendance is necessary, or the Collector of his own accord require such personal attendance, the summons shall contain an order for the defendant to appear personally on a day to be specified in the summons, otherwise the summons shall order the defendant to appear personally or by an agent duly authorized on his behalf, who has personal knowledge of the subject, or who shall be accompanied by a person who has such personal knowledge.

Issue of summons; personal attendance of defendant may be required.

XLIV. The day to be specified in the summons shall be fixed with reference to the state of the file and the distance that the defendant may be or be supposed to be at the time from the place where the Court is held, and the summons shall order the defendant to produce any document which he may have in his possession, of which the plaintiff demands inspection, or upon which the defendant may intend to rely in support of his defence. It shall also enjoin him to bring with him his witnesses if they are willing to attend without issue of process; and shall be in the form A contained in the Schedule to this Act, or to the like effect.

The day to be specified in the summons how to be fixed. Defendant to be ordered to produce necessary documents, and to bring witnesses willing to attend without process.

XLV. The summons shall be served by delivering a copy of the summons to the defendant personally when practicable; or if the summons cannot be served on the defendant personally, by affixing a copy of it to some conspicuous part of his usual place of abode, and also affixing a copy of the same in the Collector's Office.

Summons how to be served.

XLVI. If the summons be served personally, the Nazir shall endorse on the summons the fact of such service. If personal service be not effected, the Nazir shall endorse on the summons the reason of not serving it personally, and how it has been served.

Endorsement by Nazir if summons has been personally served or not.

XLVII. If the usual place of abode of the defendant be in another District, the summons, together with the cost of the service thereof, shall be sent by the public post to the Collector of such District, who shall issue the summons, and return the same, after service, with the prescribed endorsement, to the Officer by whom it was transmitted to him.

Execution of process in another District.

XLVIII. The amount of the cost of serving the summons, or if a warrant be issued as provided in the next succeeding Section, of serving the warrant, shall in all cases be deposited in Court upon the same day or the day next following that on which the plaint or statement of claim is presented to the Collector. If the said amount be not so deposited (except in cases in which the Collector may allow the issue of summons free of cost under the discretion reserved to him in Section CXLVI), the case shall not be brought on the file of suits: but in such case the plaintiff may present another plaint at any time within the period allowed by the rules for the limitation of actions.

Cost of serving summons or warrant to be deposited in Court.

XLIX. If in any suit against an under-tenant or ryot for the recovery of an arrear of rent, or against an agent for the recovery of any money, papers, or accounts, the plaintiff desires a warrant of arrest to be issued against the defendant, such defendant being resident within the district in which the suit is instituted, he shall present with his statement of claim an application for the issue of such warrant. When such application is presented, the Collector shall examine the plaintiff or his agent, on his oath or affirmation or otherwise according to the law for the time being in force in relation to the examination of witnesses, and inspect the documents adduced by him in support of his claim, and if there be *primâ facie* grounds for believing the claim to be well-founded, and that, if a summons be issued, the defendant will abscond instead of appearing to answer the claim, the Collector may issue a warrant for the arrest of the defendant. The Collector shall fix a reasonable time for the return of the warrant which shall be in the form (B) contained in the Schedule to this Act, or to the like effect, and the Officer entrusted with the service of the warrant shall at the time of arresting the defendant deliver to him a notice addressed to the defendant (which shall be in the form (C) in the Schedule or to the like effect) containing the particulars of the claim, and requiring the defendant, if he contest the claim, to bring with him any document upon which he may intend to rely in support of his defence. But no such warrant shall be issued in a suit for arrears of rent due in respect of a dependent talook or other transferable tenure, which, as hereinafter provided, is liable to sale in execution of any decree which may be passed in the case.

Warrant of arrest in what cases to be issued.

L. If a defendant be arrested under the warrant of arrest, he shall be brought with all convenient speed before the Collector, and the Collector shall commit him to custody unless he deposit in Court such sum as may be specified in the notice.

Procedure after arrest of defendant.

LI. When a defendant is brought before the Collector under warrant, the Collector shall with all convenient speed proceed to try the case in the manner hereinafter provided; and if the suit cannot be at once adjudicated, the Collector may, if he think fit, require the defendant to give security for his appearance whenever the same may be required at any time whilst the suit is depending or until execution of the final decree which may be passed thereon, and may commit the defendant to the Civil jail to be there detained until he shall furnish such security or deposit such sum as the Collector shall order. The security bond shall be in the form (D) contained in the Schedule to this Act or to the like effect.

Procedure when defendant is brought before the Collector under warrant.

From of security bond.

LII. If the defendant cannot be arrested under the warrant, the Collector, on the application of the plaintiff, shall either postpone the case for such period as he may think proper in order that the plaintiff may apply within the said period for another warrant to be issued for the arrest of the defendant, or shall forthwith issue a proclamation to be affixed in his own Office and at the residence of the defendant fixing a day for the hearing of the case, which shall not be less than ten days from the date of the publication of the notice at the residence of the defendant. If the defendant shall appear in pursuance of the proclamation, he shall be dealt with as provided in the last preceding Section.

Procedure if warrant of arrest cannot be served upon the defendant.

LIII. If it shall appear to the Collector that the arrest of the defendant was applied for without reasonable cause, the Collector may in his decree award to the defendant such sum not exceeding one hundred Rupees as he may deem a reasonable compensation for any injury or loss which the defendant may have sustained by reason of such arrest, or of his detention in jail during the pendency of the suit.

Compensation for arrest applied for without reasonable cause.

LIV. If on the day fixed by the summons or proclamation for the appearance of the defendant, or on any subsequent day to which the hearing of the case may be adjourned prior to the recording of an issue for trial as hereinafter provided, neither of the parties appear in person or by an agent, the case shall be struck off, with liberty to the plaintiff to bring a fresh suit unless precluded by the rules for the limitation of action.

Consequence of neither party appearing on the day of trial.

LV. If on any such day the defendant only appear, the Collector shall pass judgment against the plaintiff by default unless the defendant admit the cause of action, in which case the Collector shall proceed to give judgment for the plaintiff upon such admission without costs; provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.

If defendant only appear to dispute the demand, Collector shall pass judgment by default; but if defendant admit the claim, Collector shall decree upon such admission.

Proviso.

LVI. If on any such day the plaintiff only appear, the Collector, upon proof that the summons or proclamation has been duly served according to the provisions of this Act, shall proceed to examine the plaintiff or his agent, and after considering the allegations of the plaintiff, and any documentary or oral evidence adduced by him, may either dismiss the case or postpone the hearing of it to a future day for the attendance of any witness the plaintiff may wish to call, or may pass judgment *ex parte* against the defendant.

If plaintiff only appear, Collector may proceed *ex parte*.

If defendant appear on a day to which the case is postponed, Collector may allow him to be heard in answer to the suit.

LVII. If the defendant shall appear on any subsequent day to which the hearing of the suit may be postponed under the last preceding Section, the Collector may, upon such conditions, if any, as to costs or otherwise as he may think proper, allow the defendant to be heard in answer to the suit as if he had appeared on the day fixed for his attendance.

Revival, reversal, and alteration of decrees *ex parte* or by default.

LVIII. No appeal shall lie from a judgment passed *ex parte* against a defendant who has not appeared, or from a judgment against a plaintiff by default for non-appearance. But in all such cases if the party against whom judgment has been given shall appear, either in person or by agent, if a plaintiff within fifteen days from the date of the Collector's order, and if a defendant within fifteen days after any process for enforcing the judgment has been executed, or at any earlier period, and shall show good and sufficient cause for his previous non-appearance and shall satisfy the Collector that there has been a failure of justice, the Collector may, upon such terms and conditions as to costs or otherwise as he may think proper, revive the suit and alter or rescind the decree, according to the justice of the case. But no decree shall be reversed or altered without previously summoning the adverse party to appear and be heard in support of it.

On appearance of parties, the parties to be examined by the Collector, and may cross examine each other.

LIX. When both parties appear in person or by agent on the day named in the summons, or upon any subsequent day to which the hearing of the case may be adjourned, for sufficient reason to be recorded by the Collector, the Collector shall proceed to examine such of the parties as may be present, and either party or his agent may cross-examine the other. If either of the parties be not bound to attend personally, any agent by whom he shall appear, or any person who shall accompany such agent, shall be examined and cross-examined in like manner as the party himself would have been if he had attended personally. At the time of examination the defendant, if he think fit, may file a written statement of his defence.

Examination of parties, &c.

LX. The examination of the parties or their agents or such other persons as aforesaid shall be upon oath or affirmation or otherwise according to the law for the time being in force relative to the examination of witnesses. The substance of the examination shall be reduced to writing in the vernacular language of the Collector and filed with the record.

Witnesses to be examined.

LXI. If either of the parties shall bring forward a witness on such day, the Collector may take the evidence of such witness.

Documentary evidence to be produced by defendant.

LXII. If the defendant rely on any document in support of his defence, he shall deliver the same into Court at the first hearing of the suit; and unless such document be so delivered in, or its non-production be sufficiently excused, or unless the Collector see fit to extend the time for producing the same, it shall not afterwards be admitted.

After examination, Collector may make his decree if no further evidence is required.

LXIII. If after the examination required by Section LIX and also the examination of any witness who may attend to give evidence on behalf of either of the parties, and after a consideration of the documentary evidence adduced, a decree can be properly made without further evidence, the Collector shall make his decree accordingly.

Consequence of inability of agent to answer.

LXIV. If on such examination as aforesaid the agent of either party be unable to answer any material question relating to the case which the Collector is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Collector may postpone the hearing of the case to a future day, and direct that the party whose agent may have been unable to answer as aforesaid shall attend in person on such day; and if the party so directed to attend shall fail to appear in person on the day appointed, the Collector may pass judgment as in case of default or make such other order as he may deem proper in the circumstances of the case.

If necessary, Collector to record issue and to fix a day for hearing further evidence.

LXV. If on such examination as aforesaid it appear that the parties are at issue on any question upon which it is necessary to hear further evidence, the Collector shall declare and record such issue, and shall fix a convenient day for the examination of witnesses and the trial of the suit; and the trial shall take place on that day unless there be sufficient reason for adjourning it, which reason shall be recorded by the Collector.

Parties shall produce their witnesses on the day of trial; or Collector on application of either party, shall issue summons for the attendance of a witness.

LXVI. The parties shall bring forward their witnesses on the day of trial, and if either party require assistance to procure the attendance of a witness on such day either to give evidence or to produce a document, he shall apply to the Collector in sufficient time before the day fixed for the trial, to enable the witness to be summoned to attend on that day; and the Collector shall issue a summons requiring such witness to attend.

Rules regarding attendance, examination, &c. of witnesses.

LXVII. The provisions of the Regulations and Acts and all other rules for the time being in force relating to the evidence of witnesses, for procuring the attendance of witnesses and the production of documents, and for the examination, remuneration, and punishment of witnesses, whether parties to the case or not, in cases before the Civil Courts of the Presidency of Bengal, shall, except so far as the same may be inconsistent with the provisions of this Act, apply to and be of equal force and effect in suits under this Act.

Consequence of parties not appearing on the day fixed for the trial of any issue.

LXVIII. If on the day fixed for the trial of any issue neither of the parties appear, the case shall be struck off under the conditions provided in Section LIV. If on any such day one only of the parties appear, the issue may be tried and deter-

mined in the absence of the other party upon such proof as may be then before the Court.

Suits instituted or defended by Naibs, Gomastahs, &c.

LXIX. When suits under this Act are instituted or defended by Naibs, Gomasthhs, or other persons employed in the collection of rent or management of land in the name and on the behalf of the landholders by whom they are so employed, all the provisions of this Act, by which the personal appearance or attendance of parties to a suit is or may be required, shall be applicable to such Naibs, Gomastahs, or other persons; and any thing which by this Act is required or permitted to be done by a party in person, may be done by any such person as aforesaid. Processes served on any such person shall be as effectual for all purposes in relation to the suit as if the same had been served on the landholder in person, and all the provisions of this Act relative to the service of processes on a party to the suit shall be applicable to the service of processes on such person.

Personal attendance of plaintiff or defendant not required in certain cases.

LXX. A plaintiff or defendant shall not be required to attend in person if of the female sex and of a rank or class which according to the custom and manners of the country would render it improper for her to appear in public.

Employment of authorized agents or mookhtars.

LXXI. Any party to a suit may employ an authorized agent or mookhtar to conduct the case on his behalf, but the appointment of such agent or mookhtar shall not excuse the personal attendance of the plaintiff or defendant in cases where his personal attendance is required by the summons or any order of the Court; and no fee for any agent shall be charged as part of the costs of suit in any case under this Act.

Collector may grant time or adjourn hearing.

LXXII. The Collector may in any case grant time to the plaintiff or defendant to proceed in the prosecution or defence of a suit, and may also from time to time, in order to the production of further proof or for other sufficient reason to be recorded by the Collector, adjourn the hearing or further hearing of any case in such manner as to him may seem fit.

Collector may cause local enquiry to be made.

LXXIII. The Collector may at any stage of a case cause a local enquiry and report respecting the matter in dispute to be made by any Officer subordinate to him, or by any other Officer of Government with the consent of the authority to whom such Officer is subordinate, or may himself proceed to the spot and make such local enquiry in person. The provisions of the law for the time being in force relative to local enquiries by Ameens or Commissioners under orders of the Civil Courts shall apply to any local enquiry made by any Officer under this Section, and, so far as they are applicable, to enquiries made by the Collector in person. In the latter case the Collector, after completing the enquiry, shall record on the proceedings such observations as appear to him appropriate, and the observations so recorded shall be received as evidence in the suit.

Defendant may pay money into Court in satisfaction of the demand.

LXXIV. The defendant in any action under this Act may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment, and such sum shall be paid to the plaintiff. If the defendant deposit less than the sum claimed and the plaintiff elect to proceed in the case, and ultimately recover no further sum than shall have been paid into Court, the plaintiff shall be charged with any costs incurred by the defendant in the suit after such payment.

If plaintiff elect to proceed and ultimately recover no further sum than that paid into Court, he shall be liable to the subsequent costs.

No interest on deposits.

LXXV. No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

If on trial of suit for delivery of pottah parties do not agree as to the time for which the pottah is granted, Collector to fix the time.

LXXVI. If on the trial of a suit for the delivery of a pottah instituted by a ryot having a right of occupancy the parties do not agree as to the term for which the pottah is to be granted, the Collector shall fix such term as under the circumstances of the case he may think just and proper. Provided that the term shall not in any case be longer than ten years, and in estates not permanently settled shall not extend beyond the period for which the proprietor of the estate has engaged with Government. Provided also that, if the defendant be a farmer or other person having only a temporary interest in the land, the term of the pottah shall not extend beyond the period of the continuance of such interest. For cultivators not having a right of occupancy, the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

Proviso.

If in actions for rent a third claimant appear, he is to be made a party to the suit.

LXXVII. When in any suit between a landholder and a ryot or under-tenant under this Act, the right to receive the rent of the land or tenure cultivated or held by the ryot or under-tenant is disputed, and such right is claimed by or on behalf of a third person on the ground that such third person or a person through whom he claims has actually and in good faith received and enjoyed such rent before and up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by such third person shall be enquired into and the suit shall be decided according to the result of such enquiry. Provided always that the decision of the Collector shall not affect the right of either party, who may have a legal title to the rent of such land or tenure, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

Proviso.

Suits for ejectment or cancelment of lease.

LXXVIII. Any person desiring to eject a ryot or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancelment and

for recovery of the arrear in the same action, or may adduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit for such ejectment or cancelment. In all cases of suits for the ejectment of a ryot or the cancelment of a lease, the decree shall specify the amount of the arrear, and if such amount together with interests and costs of suit be paid into Court within fifteen days from the date of the decree, execution shall be stayed.

Judgment how to be pronounced.

LXXIX. The Collector shall pronounce judgment in open Court. The judgment shall be written in the Vernacular language of the Collector and shall contain the reasons for the same, and shall be dated and signed by the Collector at the time when it is pronounced.

If person required by the decree refuse to grant pottah, Collector may do so.

LXXX. When a decree is given for the delivery of a pottah, if the person required by the decree to grant such pottah refuse or delay to grant the same, the Collector may grant a pottah in conformity with the terms of the decree under his own hand and seal, and such pottah shall be of the same force and effect as if granted by the person aforesaid.

Refusal of person to execute kubooliyet as required by the decree.

LXXXI. When a decree is given for the delivery of a kubooliyet, if the person required by the decree to execute such kubooliyet shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree under the hand and seal of the Collector shall be of the same force and effect as a kubooliyet executed by the said person.

Mode of executing decree for ejectment or re-instatement of ryot.

LXXXII. If the decree be for the ejectment of any ryot from land occupied by him, or for the re-instatement of any ryot in the occupancy of land from which he has been ejected, the decree shall be executed by giving the possession or occupancy of the land to the person entitled by the decree to such possession or occupancy. If any opposition is made to the execution of the order for giving such possession or occupancy by the party against whom the order is made, the Magistrate, on the application of the Collector, shall give effect to the same.

Punishment for obstructing execution.

Mode of executing decree for cancelment of a lease or for ejectment or re-instatement of a farmer or tenant.

LXXXIII. If the decree be for the cancelment of any lease or the ejectment of any farmer or other person (not being an actual cultivator) or for the re-instatement of any farmer or other such person in the possession of a farm or tenure from which he has been ejected, the decree shall be executed by proclaiming the substance of the decree to the cultivators or other occupants by beat of drum or in such other manner as may be customary, and affixing the same in some conspicuous place within or adjacent to the farm or tenure.

In what case a judgment debtor may be detained or imprisoned without issue of process of execution.

LXXXIV. If the decree be for arrears of rent or for money, papers, or accounts, and the defendant have been committed to jail or appear pursuant to the conditions of any security bond given under Section LI, the Collector may order that he be detained in or committed to the Civil jail, unless he immediately pay into Court the amount of the decree with costs, or otherwise comply with the terms of the decree.

Liability of surety on failure to deliver judgment-debtor into custody.

LXXXV. If the judgment-debtor have given security for his appearance and be not present when judgment is pronounced, and the surety shall fail to deliver him into custody when required so to do, process of execution may be taken out against the surety in the same manner as if a decree for the amount due by the debtor had been passed against the surety. If the decree be for the delivery of papers or accounts, and the defendant be not present when judgment is pronounced and the surety shall fail to deliver him into custody when required so to do, execution may be taken out against the surety for the sum due under the bond in the same manner as if a decree for that sum had been passed against the surety.

Issue of process of execution.

LXXXVI. Process of execution may be issued against either the person or the property of a judgment-debtor; but process shall not be issued simultaneously against both person and property. Process of execution against the person or moveable property of a debtor shall be in the form (E) or (F) contained in the Schedule to this Act, or to the like effect.

Application for execution against moveable property.

LXXXVII. Any moveable property required to be seized under an execution shall, if practicable, be described in a list to be furnished by the judgment-creditor, but if the creditor is unable to furnish such list he may apply for a general attachment of the debtor's effects to the amount of the judgment and costs. In either case the property to be seized shall be pointed out to the Officer entrusted with the execution of the process by the creditor or his agent.

How long warrant shall continue in force.

LXXXVIII. Every warrant of execution shall bear date on the day on which it is signed by the Collector and shall continue in force for such period as the Collector may direct, not being more than sixty days calculated from such date.

Second and successive warrants.

LXXXIX. Second and successive warrants of execution may be issued by order of the Collector on the application of the judgment-creditor after the expiration of the period fixed for the continuance in force of a previous warrant.

After one year execution not to issue without notice.

XC. Process of execution shall not be issued upon any judgment without previous notice to the party against whom execution is applied for, if, when application for the issue of the process is made, a period of more than one year shall have elapsed from the date of the judgment or from the date of the last previous application for execution.

Execution not to issue against heir or representative of a deceased party without notice.

XCI. Execution on a judgment shall not issue against the heir or other representative of a deceased party without notice to such heir or other representative to appear and be heard.

XCII. No process of execution of any description whatsoever shall be issued, on a judgment under this Act, after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred Rupees, in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the Civil Courts.

No process of execution to be issued three years after date of judgment.

XCIII. If a warrant issue for taking in execution the body of any person, the Officer charged with the execution of the warrant shall bring him with all convenient speed before the Collector. If such person shall not then deposit in Court the full amount specified in the warrant or make such arrangement for the payment of the same as shall be satisfactory to the judgment-creditor, or satisfy the Collector that he has no present means of paying the debt, the Collector shall send him to the Civil jail there to remain for such time as shall be directed by a warrant addressed to the keeper of the jail, unless he shall in the meantime pay the full amount for the payment of which he is liable under the decree. Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed three calendar months when the amount decreed exclusive of costs does not exceed fifty Rupees, or six calendar months when such amount does not exceed five hundred Rupees, or two years in any other case. If the decree against any person arrested under a warrant be for the delivery of papers or accounts and the papers or accounts shall not be delivered by him when he is brought before the Collector, such person may be committed to the Civil Jail there to remain for such time not exceeding six calendar months as the Collector shall direct, unless he shall in the meantime deliver the papers or accounts according to the terms of the decree.

Warrant against the person.

Limit of imprisonment.

If arrest be for non Delivery of accounts.

XCIV. Any person once discharged from jail shall not be imprisoned a second time under the same judgment. If the amount due under the decree do not exceed one hundred Rupees, the Collector may declare such discharged person absolved from further liability under that decree. In other cases the discharge shall not extinguish the liability of the discharged person under the decree, or exempt any property belonging to such person from attachment in execution of the same.

No person to be imprisoned a second time under same judgment.

XCV. Any person applying for a warrant of arrest under Section XLIX or suing out process of execution against the body of any person, shall deposit in Court, at the time of issue of the warrant, diet-money for one month of thirty days at such rate as the Collector may direct, not exceeding two annas per diem, unless the Collector for any special reason direct that deposit be made at a higher rate, which shall not exceed four annas per diem.

Diet-money to be deposited at the time of issue of warrant.

XCVI. Payment of diet-money at the same rate shall be made previously to the commencement of each succeeding month of the imprisonment, in failure of which the party confined shall be discharged.

Payment of diet-money in advance during imprisonment.

XCVII. All diet money spent in providing subsistence for any prisoner shall be added to the costs in the suit, and any diet-money not so spent shall be returned to the person who deposited the same.

Diet-money to be costs in suit.

XCVIII. In executing a writ of execution against the moveable property of a debtor liable under this Act, the Officer charged with the execution of the writ shall prepare a list of the property pointed out by the judgment-creditor, and shall publish a proclamation specifying the day upon which the sale is intended to be held together with a copy of the said list at the intended place of sale and at the residence of the debtor. A copy of the said proclamation and list shall be transmitted to the Collector and shall be affixed in his Office.

List of property to be prepared and proclamation of sale to be published &c.

XCIX. No sale of any moveable property taken in execution shall be made until after the end of ten days next following the day on which such property may have been so taken. Until such sale the property shall be deposited in some fit place or it may remain in custody of some fit person approved by the Officer executing the writ. The provisions of Sections CXXIX to CXXXIII, so far as the same are applicable, shall be applied to sales under this Section.

Custody and sale of moveable property taken in execution.

C. If before the day fixed for the sale a third party appear before the Collector and claim a right or interest in any of the moveable property taken in execution, the Collector shall examine such party or his agent on oath or affirmation or otherwise, according to the law for the time being in force relative to the examination of witnesses, and if he see sufficient reason for so doing may stay the sale of such property.

Collector may stay sale of moveable property seized if a third party claim any interest therein.

CI. The Collector shall adjudicate upon such claim and make such order between the claimant and the plaintiff and defendant in the original suit as shall seem fit. In trying such claim the Collector shall be guided by the rules contained in this Act so far as they may be applicable.

Collector to adjudicate such claims.

CII. If the claimant shall fail to establish his right to the property taken in execution, the Collector at the time of disposing of the case may award to the judgment-creditor against such claimant as part of the costs such sum as he may consider sufficient to cover any loss of interest or damage which the judgment-creditor may have sustained by reason of the postponement of the sale of the property.

Claimant failing to establish his right, liable to pay compensation to judgment creditor.

CIII. No appeal shall lie from any order passed by the Collector under the two last preceding Sections. But the party against whom the same may be given shall be at liberty to bring a suit in the Civil Court to establish his right at any time within one year from the date of the order; provided that, if the order be for the sale of the property, the suit shall not be for the recovery of the property, but shall be for damages against the judgment-creditor by whom the property was brought to sale.

No appeal from order of Collector under the two last preceding Sections.

Proviso.

CIV. No irregularity in publishing or conducting a sale of moveable property under an execution shall vitiate such sale, but this rule shall not be held to deprive any person who may sustain damage by reason of such irregularity from recovering such damage by action in the Civil Court; provided such action be brought within one year from the date of sale.

Sale not vitiated by irregularity in publishing or conducting the same.

Proviso.

CV. If the decree be for an arrear of rent due in respect of an under-tenure, which by the title-deeds or the custom of the country is transferable by sale, the judgment-creditor may make application for the sale of the tenure, and the tenure may thereupon be brought to sale in execution of the decree, according to the rules for the sale of under-tenures for the recovery of arrears of rent due in respect thereof contained in any law for the time being in force. But no such application shall be received when a warrant of execution has been previously issued against the person or moveable property of the judgment-debtor, so long as such warrant remains in force. If after sale of an under-tenure any portion of the amount decreed remains due, process may be applied for against any other property, moveable or immoveable, belonging to the debtor, and any such immoveable property may be brought to sale in the manner provided in Section CX of this Act.

Sale of transferable tenures in execution of decrees for arrears of rent.

CVI. If before the day fixed for the sale of any such under-tenure as aforesaid in execution of a decree for arrears of rent due in respect of such under-tenure, a third party appear before the Collector, and allege that such third party and not the person against whom the decree has been obtained, is the proprietor of such under-tenure, and was in lawful possession of the same at the time when such decree was obtained, the Collector shall examine such party in the manner provided in Section C for the examination of third parties, and if he see sufficient reason for so doing, and such party shall deposit in Court the amount of the decree or give sufficient security for the same, the Collector shall stay the sale and proceed to enquire into and adjudicate upon the claim. Provided that no transfer of an under-tenure which by the provisions of this Act or any other law for the time being in force is required to be registered in the Sherishteh of the Zemindar or superior tenant shall be recognized unless it have been so registered, or unless sufficient cause for non-registration be shown to the satisfaction of the Collector.

If third party claim to be the proprietor and lawful possessor of such under-tenure, Collector to stay the sale and to enquire into and adjudicate upon the claim.

Proviso.

CVII. In trying such claim the Collector shall be guided by the rules contained in this Act, so far as the same may be applicable and the judgment passed by the Collector on such claim shall not be subject to appeal, but the party against whom it is given may bring a suit in the Civil Court to establish his right at any time within one year from the date of the judgment.

Mode of adjudicating such claims.

CVIII. If a decree is given in favor of a sharer in a joint undivided estate, dependent talook, or other similar tenure for money due to him on account of his share of the rent of an under-tenure situate in such undivided estate or talook or tenure, application for the sale of such under-tenure shall not be received unless execution shall have been first taken out against any moveable property which the judgment-debtor may possess within the District in which the suit was instituted and the sale of such property, if any, shall have proved insufficient to satisfy the judgment. In such case such under-tenure, if of the nature described in Section CV, may be brought to sale in execution of the decree in the same manner as any other immoveable property may be sold in execution of a decree for money under the provisions of the two next following Sections.

Execution of decrees given in favor of sharers in undivided estates or tenures.

CIX. In the execution of any decree for the payment of money under this Act not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor within the District in which the suit was instituted, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor.

In all cases of decrees for money, if judgment cannot be satisfied by sale of debtor's moveable property, execution may be had against his immoveable property.

CX. If the immoveable property against which execution is applied for be a house or other building, process shall be issued in the same manner as for the attachment and sale of moveable property, and the provisions of Sections XCVIII and XCIX shall be applicable to the execution of such process. If the property be a saleable under-tenure it shall be sold under the provisions of the law for the time being in force applicable to the sale of such under-tenures for demands other than those of arrears of rent due in respect thereof. If the property be an estate or a share of an estate, it shall be sold under the rules in force for the sale of estates for the recovery of demands recoverable by the same process as arrears of land revenue.

Mode of executing process if immoveable property be a house or other building.

If it be a saleable under-tenure.

If it be an estate or a share of an estate.

CXI. If, before the day fixed for the sale of any immoveable property as aforesaid, objection shall be offered to the sale on the ground of such property not belonging to the judgment-

Consequence of objection being offered before the sale of any immoveable property.

debtor, and consequently not being liable to be sold in execution of a decree against him, the Collector shall examine the party making the objection in the manner prescribed in Section C for the examination of third parties, and if satisfied that there is sufficient ground for so doing, shall stay the sale and proceed to enquire into and adjudicate upon the objection, in the same manner, and subject to the same right of suit by the party against whom judgment may be given, as is provided in Section CVII.

Produce of the land to be held hypothecated for the rent.

Arrears of rent may be recovered by distraint under the following rules.

CXII. The produce of the land is held to be hypothecated for the rent payable in respect thereof; and when an arrear of rent as defined in Section XX of this Act, is due from any cultivator of land, the zemindar, lakherajdar, farmer, dependent talookdar, under-farmer, or other person entitled to receive rent immediately from such cultivator, instead of bringing suit for the arrear as hereinbefore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due under the following rules. Provided always that, when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security has been given, shall not be liable to distraint. Provided also that no sharer, in a joint estate, dependent talook, or other tenure, in which a division of lands has not been made amongst the sharers, shall exercise the power of distraint otherwise than through a manager authorized to collect the rents of the whole estate, talook, or tenure, on behalf of all the sharers in the same. Provided further that in putteedaree estates situated in districts under the Government of the Lieutenant-Governor of the North-Western Provinces distraint shall be made only through a lumberdar.

Cultivators who have given security to be exempt from distraint.

No distraint in certain cases.

CXIII. Distraint shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless a written engagement for the payment of such excess has been executed by the cultivator.

Power of distraint to be exercised by managers under the Court of Wards, &c.

CXIV. The power of distraint vested by Section CXII in Zemindars and other persons entitled to receive rent from cultivators of land, may be exercised by managers under the Court of Wards, Surburakars, and Tehsildars of estates held under khas management, and other persons lawfully entrusted with the charge of landed property; and also by the naibs, gomashtahs, and other agents employed by any such persons as aforesaid in the collection of rent if expressly authorized by power of attorney in that behalf.

Proviso.

Provided that if any illegal act is committed by any such Naib, Gomashtah, or other agent under color of the exercise of the said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

Standing crops and crops gathered but not stored liable to distraint.

CXV. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with the powers of distraint under the provisions of this Act. But no such crops or products other than the produce of the land in respect of which an arrear of rent is due or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distraint under this Act.

Defaulter to be served with a written demand, &c., before or at the time of distraint.

CXVI. Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made. The demand and account shall, if practicable, be served personally on the defaulter, or if he abscond or conceal himself so that they cannot be so served, shall be affixed at his usual place of residence.

Distress to be proportionate to the arrear if not paid or tendered.

List of property to be distrained, to be served on owner.

CXVII. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value proportionate to the amount of the arrear with costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent affix it at his usual place of residence.

Standing crops &c. when attached, to be reaped and stored by the cultivator, or, if he neglect to do so, by the distrainer.

CXVIII. Standing crops and other ungathered products may, notwithstanding the distraint, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood. In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose. Crops or products which from their nature do not admit of being stored, may be sold before they are cut or gathered, under the rules hereinafter provided; but in such case the distraint shall be made at least twenty days before the time when the crops or products or any part of the same would be fit for cutting or gathering.

Distrainer may apply for aid to the Collector upon occasion of resistance made or apprehended.

CXIX. If a distrainer shall be opposed, or shall apprehend resistance, and shall desire to obtain the assistance of a public Officer, he may apply to the Collector, and the Collector may, if he thinks necessary, depute an Officer to support the distrainer in making the distraint.

CXX. When any person, empowered to distrain property under Section CXII or Section CXIV, shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority (which may be on plain paper) for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Person empowered to distrain may give written authority to their servants to do so.

CXXI. If at any time after property has been distrained, and prior to the day fixed for its being put up to sale as hereinafter provided, the owner of the property shall tender payment of the arrear demanded of him and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to the day of sale.

CXXII. Within five days from the time of the storing of any distrained crops or products, or if the crops or products do not, from their nature, admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the Civil Court Ameen, or other Officer authorized to sell property in satisfaction of decrees of the Civil Court within the circle in which the distrained property is situate, or to such other public Officer as the local Government shall appoint for the purpose.

Application for sale

CXXIII. The application shall be in writing, and shall contain an inventory or description of the property distrained, the name of the defaulter and his place of residence, the amount due, and the date of the distress, and the place in which the distrained property is deposited. Together with the application, the distrainer shall deliver to the Civil Court Ameen or other Officer the amount necessary for the service of a notice upon the defaulter as hereinafter provided.

Form of application.

Cost of notice upon defaulter to be deposited by distrainer.

CXXIV. Immediately on receipt of the application the Civil Court Ameen or other Officer shall transmit a copy of it to the Collector; and shall serve a notice (which shall be in the form (G) contained in the Schedule to this Act, or to the like effect) on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before the Collector within the period of fifteen days from the receipt of the notice. He shall at the same time send to the Collector for the purpose of being put up in his Office, and if in the North-Western Provinces in the cutcherry of the Tuhseeldar, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited. The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

Procedure by Civil Court Ameen &c. on receipt of application.

CXXV. If a suit shall be instituted before the Collector in pursuance of the aforesaid notice, the Collector shall transmit to the Civil Court Ameen or other Officer, or if so requested shall deliver to the owner of the distrained property, a certificate of the institution of such suit; and on such certificate being received by or presented to the Ameen or other Officer, he shall suspend proceedings in regard to the sale of the distrained property.

Ameen to suspend sale on receipt of Collector's certificate of the institution of a suit.

CXXVI. A person whose property has been distrained in the manner hereinbefore provided, may institute a suit to contest the demand of the distrainer immediately after the distraint of his property, and before the issue of notice of sale. When such suit is instituted, the Collector shall proceed in the manner prescribed in the last preceding Section. If thereafter application for the sale of the property is made to the Civil Court Ameen or other Officer, he shall transmit a copy of the application to the Collector, and suspend further proceedings pending the decision of the case.

Suit to contest distrainer's demand before issue of notice of sale.

CXXVII. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with security binding himself to pay whatever sum may be adjudged to be due from him with interest and costs of suit, and when such bond is executed the Collector shall give to the owner of the property a certificate to that effect, or if so requested shall serve the distrainer with notice of the same; and upon such certificate being presented to the distrainer by the owner of the property or served on him by order of the Collector the property shall be released from distraint.

Distress to be withdrawn on receipt of Collector's certificate that the owner has executed a bond with security to pay amount of decree with interest and costs.

CXXVIII. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the Civil Court Ameen or other Officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as shall be allowed by him, be discharged in full, proceed to sell the property or such part of it as may be necessary in the manner following.

On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.

CXXIX. The sale shall be held at the place where the distrained property is deposited, or at the nearest gunge, bazar, haut, or other place of public resort, if the Civil Court Ameen or other Officer should be of opinion that it is likely to sell there to better advantage. The property shall be sold by public auction in one or more lots as the Officer holding the sale may think advisable, and if the demand with the costs of distress and sale be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Place and manner of sale.

CXXX. If on the property being put up for sale a fair price in the estimation of the Officer holding the sale be not offered for it, and the owner of the property or some person authorized to act on his behalf apply to have the sale postponed until the next day, or the next market day if a market be held at the place of sale, the sale shall be postponed until such day and shall be then completed whatever price may be offered for the property.

If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.

CXXXI. The price of every lot shall be paid for in ready money at the time of sale or as soon after as the Officer holding the sale shall think necessary; and in default of such payment the property shall be put up again and sold. When the purchase money has been paid in full, the Officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Payment of purchase money.

CXXXII. From the proceeds of the sale of distrained property the Officer holding the sale shall make a deduction at the rate of one anna in the Rupee on account of the costs of the sale, and shall transmit the amount to the Collector in order that it may be credited to Government. He shall then then pay to the distrainer the expenses incurred by the distrainer on account of the distress and of the issue of the notice and proclamation of sale prescribed in Section CXXIV, to such amount as, after examination of the statement of expenses furnished by the distrainer, he shall think proper to allow. The remainder shall be applied to the discharge of the arrear for which the distraint was made with interest thereon up to the day of sale, and if there be any overplus it shall be delivered to the person whose property shall have been sold.

Proceeds of sale.

CXXXIII. Officers holding sales of property under this Act, and all persons employed by or subordinate to such Officers, are prohibited from purchasing either directly or indirectly any property sold by such Officers.

Officers holding sales prohibited from purchasing.

CXXXIV. Civil Court Ameens and other Officers as aforesaid are required to bring to the notice of Collectors any material irregularities committed by distrainers under color of this Act; and if in any case, on proceeding to hold a sale of property, the Civil Court Ameen or other Officer shall find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Collector, and the Collector shall direct the issue of another notice and proclamation of sale under Section CXXIV or pass such other order as he may think proper.

All irregularities to be reported to the Collector.

Officer not to proceed to sale, if he find that defaulter has not received due notice.

CXXXV. When a Civil Court Ameen or other Officer has proceeded to any place for the purpose of holding a sale and no sale takes place either for the reason stated in the last preceding Section, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to the Civil Court Ameen or other Officer, the charge of one anna in the Rupee on account of expenses shall be leviable and shall be calculated on the estimated value of the distrained property. If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property and may be recovered by the sale of such portion thereof as may be necessary. In every other case it shall be paid by the distrainer and may be recovered by attachment and sale of the property of the distrainer under the warrant of the Collector. Provided always that in no case shall a larger amount than ten Rupees be recoverable under this Section.

Recovery of expenses if Ameen proceeds to place of sale and no sale takes place.

CXXXVI. All proceedings under this Act of the Civil Court Ameens and other Officers as aforesaid shall be subject to the revision and orders of the Collectors, and the Collectors, with the sanction of the Boards of Revenue, may require the submission of such periodical reports and statements of business performed by the Civil Court Ameens and other Officers as may be thought necessary.

Proceedings of Civil Court Ameens &c. subject to revision of orders of Collectors.

CXXXVII. When a suit has been instituted to contest the demand of a distrainer and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Collector shall issue an order to the Civil Court Ameen or other Officer authorizing the sale of the property, and on the application of the distrainer, which shall be made within five days from the receipt of such order by the Civil Court Ameen or other Officer, such Ameen or Officer shall publish a second proclamation in the manner prescribed in Section CXXIV, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation; and unless the amount adjudged to be due with the costs of distress be paid intermediately, shall proceed to sell the property in the manner hereinbefore provided.

Second proclamation of sale.

CXXXVIII. In all suits instituted to contest the demand of a distrainer, the distrainer shall be required to prove the arrear in the same manner as if he had himself brought suit for the amount under the foregoing provisions of this Act. If the demand or any part thereof is found to be due, the Collector shall make a decree for the amount in favor of the distrainer, and the amount may be recovered by sale of the property as provided in the last preceding Section if the distress has not been withdrawn, and if any balance remain due after such sale by execution of the decree against the person and any other property of the defaulter, or if the property have been released on security by execution of the decree against the person and property of the default and of his surety. If on the other hand the distraint is adjudged to be vexatious or groundless, the Collector, besides directing the release of the distrained property, may award such damages in favor of the plaintiff as the circumstances of the case shall seem to require.

Procedure after institution of suit to contest distrainer's demand.

Any person, whose property has been distrained for arrears of rent alleged to be due from another, may institute a suit against the distrainer, &c.

CXXXIX. If any person shall claim as his own, property which has been distrained for arrears of rent alleged to be due from any other person, such person may institute a suit against the distrainer and such other person, to try the right to the property, in the same manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand. When any such suit is instituted the property may be released upon security being given for the value of the same. If the claim is dismissed the Collector shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer. If the claim is upheld, the Collector shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require. Provided always that no claim to any produce of land, liable to distraint under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the prior claim of the person entitled to the rent of the land, nor shall any attachment in execution of a judgment of any Civil Court prevail against such prior claim.

Proviso.

Procedure if distrainer's right to distrain be disputed.

CXL. If in any case in which property has been distrained for an arrear of rent and a suit has been instituted to contest the demand, the right to distrain for such arrear is claimed by or on behalf of any person other than the distrainer on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by such other person before and up to the time of the commencement of the suit shall be enquired into, and the suit shall be decided according to the result of such enquiry. Provided always that the decision of the Collector shall not affect the right of either party who may have a legal title to the rent of the land, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

Persons prevented from suing in time to save their property from sale, may sue for damages.

CXLI. If any person, whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing suit to contest the demand or to try the right to the property as the case may be within the period allowed by Sections CXXIV and CXXXIX and his property is in consequence brought to sale, he may nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property.

Also persons aggrieved by any illegal act of distrainer.

CXLII. If any person empowered to distrain property or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged, or destroyed by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof, or if the distraint shall not be immediately withdrawn when it is required to be withdrawn by any provision of this Act, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained.

Unlawful distraint.

CXLIII. If any person not empowered to distrain property under Sections CXII and CXIV of this Act nor employed for the purpose under a written authority by a person so empowered, shall distrain or sell or cause to be sold any property under color of this Act, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distraint or sale. The said person shall be held to have committed criminal trespass, and shall be subject to the penalties for that offence in addition to any damages which may be awarded against him in such suit.

Time for commencing suits for damages.

CXLIV. Provided always that any suit which may be instituted under any of the last three Sections shall be commenced within three months from the date of the occurrence of the cause of action.

Resistance of distraint.

CXLV. If any person shall resist a distraint of property duly made under this Act, or shall forcibly or clandestinely remove any distrained property, the Collector upon complaint being made within fifteen days from the date of such resistance or removal, shall cause the person accused to be arrested, and if the offence be proved and the offender be the owner of the property, shall order him to be imprisoned in the Civil jail for six months, or until the whole arrear due to the distrainer with all expenses and costs shall sooner be paid or levied by distress and sale of the property of the offender under warrant of the Collector. If the person convicted of the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred Rupees, or in default of payment thereof to imprisonment for a period not exceeding two months.

Service of process.

CXLVI. Every process issued by a Collector under this Act shall be under the seal and signature of the Collector, and shall be served or executed by the Nazir or by such other Officer as the Collector may direct at the cost of the party at whose instance it issued. The amount of such cost, and, in the case of summons to a witness, any sum required for the travelling expenses of such witness, shall be deposited in Court before the process is issued. Provided that if in any case the Collector is satisfied that a party is unable to pay the cost of

any necessary process, he may direct such process to be served free of charge.

Resistance of process.

CXLVII. Any resistance or opposition to the lawful process of a Collector under this Act may be punished by the Collector according to the provisions of the law for the time being in force for the punishment of resistance or opposition to the processes of the Courts of Civil justice. When in any such case the offender is not present in Court, the Collector may summon him to answer to the charge, and if after due service of the summons he fail to attend, may issue a warrant for his apprehension. Orders passed by Collectors under this Section shall not be deemed to be orders relating to the trial of suits or to the execution of decrees within the meaning of Section CLI.

Collector competent to hold a Court in any part of his jurisdiction.

CXLVIII. It shall be competent to the Collector to hold a Court for hearing and determining suits under this Act in any place within the limits of his District or local jurisdiction, provided that every hearing and decision shall be in open Court, and that the parties to the suit or their authorized agents shall have had due notice to attend at such place.

Proviso.

Agents or mookhtars.

CXLIX. Any person may practise as an agent or mookhtar in a Court held by a Collector under this Act without any formal license from the Collector. But it shall be competent to the Collector to prohibit any person, who has been convicted by a competent Court of a criminal offence, or who has been found guilty of fraudulent or dishonest conduct in the discharge of his duty as agent or mookhtar, to practice as an agent or mookhtar in his Court. When any agent or mookhtar is charged by the Collector or any other person with fraudulent or dishonest conduct in the discharge of his duty, the Collector shall proceed in the manner prescribed in Section IV Act XVIII of 1852, or any other law for the time being in force for the trial of charges against pleaders.

Powers of Deputy Collectors.

CL. All the powers vested in the Collector by the preceding Sections of this Act may be exercised by any Deputy Collector in cases referred to him by a Collector; and in all cases without such reference, by any Deputy Collector placed in charge of any Sub-division of a District; and all applications and reports allowed or required by this Act to be made to the Collector may be made to any Deputy Collector having such local jurisdiction.

Collectors and Deputy Collectors to be subject to general direction and control of the Commissioners and the Boards of Revenue.

CLI. In the performance of their duties under this Act the Collectors and Deputy Collectors shall be subject to the general direction and control of the Commissioners and the Boards of Revenue; and the Deputy Collector shall be subject to the direction and control of the Collectors to whom they are subordinate. All orders passed by a Collector under this Act, not being judgments in suits or orders passed in the course of suits and relating to the trial thereof or orders passed after decree and relating to the execution thereof, shall be appealable to the Commissioner; and all such orders passed by a Deputy Collector shall be appealable to the Collector; but no judgment of a Collector or Deputy Collector in any suit, and no order of a Collector or Deputy Collector passed in any suit and relating to the trial thereof, or after decree and relating to the execution thereof, shall be open to revision or appeal otherwise than as expressly provided in this Act.

No appeal from orders of Collectors and Deputy Collectors in certain cases.

Time for presenting appeals from orders.

CLII. Every appeal against the order of a Collector shall be presented to the Commissioner within thirty days, and every appeal against the order of a Deputy Collector shall be presented to the Collector within fifteen days from the date of the order. Orders passed in appeal by a Commissioner or a Collector shall not be open to any further appeal, but the Board of Revenue or the Commissioner may call for any case, and pass such orders thereon as they may think proper.

No appeal from any decree of Collector for money below 100 Rupees unless the decision involve some question of right to enhance rent or some question relating to a title to land.

CLIII. In suits under Clauses 2, 4, and 7 of Section XXIII and under Section XXIV of this Act, tried and decided by a Collector, if the amount sued for or the value of the property claimed does not exceed one hundred Rupees, the judgment of the Collector shall be final, and not open to revision or appeal except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a ryot or tenant, or any question relating to a title to land, or to some interest in land as between parties having conflicting claims thereto, has been determined by the judgment, in which case the judgment shall be open to appeal in the manner provided in Sections CLX and CLXI of this Act.

In suits not open to appeal, Collector may grant a re-hearing upon the discovery of new evidence, &c.

CLIV. In suits in which the judgment of the Collector is final as provided in the last preceding Section, the Collector may, upon the application of either party, if preferred within thirty days from the date of the decision, order the re-hearing of a suit, upon the ground of the discovery of new evidence or matter material to the issue of the case which the applicant had no knowledge of, or could not produce at the time of trial.

Appeal from decision of Deputy Collector.

CLV. When any such suit as aforesaid, in which if tried and decided by a Collector the judgment of the Collector would be final, is tried and decided by a Deputy Collector, an appeal from the judgment of the Deputy Collector shall lie to the Collector.

Petition of appeal to be on stamp paper, &c.

CLVI. The petition of appeal shall be written on stamp paper of eight annas value and shall be presented to the Collector within fifteen days from the date of the decree,

provided that such time as may be requisite for procuring a copy of the decree appealed against shall not be reckoned as part of the fifteen days.

Procedure in appeal.

CLVII. The Collector shall fix a day for hearing the appeal, and shall cause notice of the same to be served on the respondent in the manner hereinbefore prescribed for the service of summons. If on the day fixed for hearing the appeal, or any other day to which the hearing may be adjourned, the appellant shall not appear in person or by an agent, the appeal shall be dismissed for default. If the appellant shall appear and the respondent shall not appear in person or by an agent, the appeal shall be heard *ex parte*.

Re-admission of appeal.

CLVIII. If an appeal be dismissed for default of prosecution the appellant may within fifteen days from the date of the dismissal apply to the Collector for the re-admission of the appeal, and if it shall be proved to the satisfaction of the Collector that the appellant was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the Collector may re-admit the appeal.

Judgment in appeal.

CLIX. After hearing the appeal the Collector shall give judgment in the manner hereinbefore prescribed for giving judgment in original suits, and the judgment of the Collector shall be final.

In what suits appeal to lie to Zillah Judge.

CLX. In all suits other than those in which when tried and decided by a Collector the judgment of the Collector is declared to be final or when tried and decided by a Deputy Collector an appeal is allowed to the Collector, an appeal from the judgment of the Collector or Deputy Collector shall lie to the Zillah Judge; unless the amount or value in dispute exceed five thousand Rupees, in which case the appeal shall lie to the Sudder Court.

To Sudder Court.

Rules regarding presentation and hearing of appeals.

CLXI. The petition of appeal shall be written on the stamp paper prescribed for appeals from the subordinate Civil Courts with reference to the amount or value of the property involved in the appeal, and the rules in force in regard to the time within which appeals from the decisions of such Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals to the Zillah Judge or Sudder Court under this Act.

Suits to be preferred in the Revenue Office of the District or Sub-division in which the greater part of the land is situate.

CLXII. Suits under this Act shall be preferred in the Revenue Office of the District, or when a Sub-division of a District has been placed under the jurisdiction of a Deputy Collector, in the Revenue Office of the Sub-division in which the cause of action shall have arisen. Provided always that the Collector may withdraw any suit from any Deputy Collector and try it himself, or refer it to another Deputy Collector. If the lands comprised in any talook, farm, or other tenure, or any lands held under one lease or engagement or at one entire rent in respect of which arrears of rent may be due, are situated in more than one District or Sub-division, the District or Sub-division in which the greater part of such lands is situate shall be held to be the District or Sub-division in which the cause of action has arisen; and if any question shall be raised respecting the District or Sub-division in which the greater part of the lands is situate, the Board of Revenue, or if all the lands be situate in one District the Collector of the District shall decide the question, and such decision shall be conclusive on the point of jurisdiction.

Except as above, Collector not to exercise jurisdiction in respect to lands situate beyond his District.

CLXIII. Except as provided in the last preceeding Section, no Collector shall exercise any jurisdiction under this Act in respect to any lands situate beyond the limits of the District to which he is appointed, by reason of such lands forming part of an estate the revenue of which is paid into the Treasury of the said District.

Deputy Collector entrusted with Police functions, not to exercise judicial powers under this Act.

CLXIV. No Deputy Collector appointed under Regulation IX of 1833 of the Bengal Code, shall exercise any judicial powers or other jurisdiction under this Act if entrusted with any Police functions.

What powers to be exercised by Assistants to Collectors.

CLXV. Assistants to Collectors shall not exercise any powers under this Act unless invested by Government with the powers of Deputy Collectors, in which case they may exercise the powers hereby assigned to Deputy Collectors.

Saving of rights of proprietors in respect of Putnee Talooks, &c. under Regulation VIII. 1819.

CLXVI. Nothing contained in this Act shall be held to affect the right vested in proprietors of land under direct engagements with Government, of bringing to sale for arrears of rent Putnee Talooks and other similar tenures under the provisions of Regulation VIII. 1819.

Commencement of Act.

CLXVII. This Act shall commence and have effect from and after the 1st day of August 1859.

"Civil Jail"

CLXVIII. The words "Civil Jail" as used in this Act shall include the Civil Jail of the Zillah and any place appointed by the Executive Government for the confinement of prisoners by any Court constituted under this Act. The word "Nazir" shall include any Officer of a Court authorized to serve or execute its process. Unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

"Nazir."

Number.

Gender.

SCHEDULE.

A.

FORM OF SUMMONS TO DEFENDANT.

No. (of suit) dated
In the Court of

A. B., Plaintiff.

[*Name, description, and address of plaintiff.*]

C. D., Defendant.

[*Name, description,* and *address* of *Defendant.*]

Whereas the said A. B. has brought a claim against you in this Court for *(here specify particulars of claim as given in the statement,) you are hereby required to appear in person in this Court on the day of* [*if not specially required to appear in person, state, in person or by an agent who has personal knowledge of the subject or who shall be accompanied by a person who has such knowledge*] to answer the abovenamed plaintiff, and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*] which the plaintiff desires to inspect, and all documents on which you may intend to rely in support of your defence You will also bring with you your witnesses, if they are willing to attend without issue of process.

B.

FORM OF WARRANT OF ARREST.

No. (of suit) dated
In the Court of

A. B., Plaintiff.

C. D., Defendant.

To the Nazir of the Court of the Collector of——

Whereas the plaintiff in this suit has obtained an order from the Court for the arrest of the defendant, you are hereby commanded to bring the defendant before the Court on or before the day of to be dealt with according to law.

Dated this day of

185 .

C.

FORM OF NOTICE TO ACCOMPANY SUCH WARRANT.

In the Court of

A. B., Plaintiff.

[*Name, description, and address of plaintiff.*]

C. D., Defendant,

[*Name, description, and address of defendant.*]

Whereas the said A. B. has brought a claim against you in this Court for *(here specify particulars of claim as given in the statement)* and has obtained a warrant for your arrest, you are hereby required, unless you admit the claim, to bring with you to the Court all documents on which you may intend to rely in support of your defence.

D.

FORM OF SECURITY BOND FOR APPEARANCE OF DEFENDANT.

Whereas A. B. plaintiff has instituted a suit in the Court of the Collector of against C. D. defendant, and the said C. D. has been required to give security for his appearance at any time when called on while the suit is depending and until execution of the decree, I, E. F., hereby declare myself surety for the said C. D's. appearance as aforesaid, and in case of his making default in such appearance I engage to pay any sum for the payment of which the said C. D. may be liable under the decree. [*If the suit be for the delivery of papers or accounts, specify some sum to be fixed by the Collector.*]

E.

WRIT OF EXECUTION AGAINST THE PERSON.

A. B. Plaintiff.
C. D., Defendant.

To the Nazir of the Court of the Collector of——

Whereas the said C. D. was directed by a decree of this Court, under date the day of 185 , to pay to A. B. the sum of and for costs of suit, amounting to , and whereas the said C. D. has omitted to pay the same, you are hereby commanded to apprehend the said C. D., and to bring him with all convenient speed before this Court to be dealt with according to law.

F.

WRIT OF EXECUTION AGAINST THE EFFECTS.

A. B., Plaintiff.
C. D., Defendant.

To the Nazir of the Court of the Collector of——

Whereas C. D. was directed by a decree of this Court, under date the day of 185 , to pay to A. B. the sum of , and for costs of suit, amounting to , and whereas the said C. D. has omitted to pay the same, you are hereby commanded to levy the said sum of , and the sum of for costs of executing this process, by seizure and sale of such moveable property of the said C. D. as (is described in the list annexed, and) [*if no list is furnished, these words to be omitted*] shall be pointed out to you by the judgment-creditor or his agent; and you are hereby ordered to sell such property of the said C. D., on some convenient day not being less than ten nor more than fifteen days from the day of seizure, unless the amount leviable as aforesaid shall be sooner paid; and you are hereby commanded to certify to me what you shall do by virtue of this warrant.

G.

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Office of Commissioner for sale of distrained property.

A. B., Distrainer.

[*Name, description, and address of the owner of the property.*]

Whereas the said A. B. has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said A. B., or to institute a suit before the Collector to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 185 .

W. MORGAN,
Clerk of the Council.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 4th May 1859, and is hereby promulgated for general information :—

ACT No. XII OF 1859.

An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.

Preamble.

WHEREAS it is expedient to amend the law for the trial of persons employed in the Pilot Service of Government, at the Presidency of Fort William in Bengal, when accused of breach of duty, and to extend the same to persons licensed to act as Pilots at the said Presidency ; It is enacted as follows :—

Acts repealed.

I. Act XXIV of 1845 *(for establishing a Court for the trial of Officers of the Pilot Service accused of breach of duty)* and Act I of 1851 *(for the appropriation of fines levied under Act XXIV. of* 1845*)* are hereby repealed.

How Pilots accused of breach of duty shall be brought to trial.

II. When any person employed in the Pilot Service of Government at the Presidency of Fort William in Bengal, or licensed to act as a Pilot at the said Presidency, shall be accused of having committed any breach of duty while engaged in such Service, or acting under such license, and it shall appear to the Superintendent of Marine, or to the Lieutenant-Governor of Bengal that such person ought to be brought to trial for such breach of duty, such person shall be brought to trial upon a charge or charges framed by the said Superintendent of Marine or such other person as the said Lieutenant-Governor shall direct, before a Court constituted under the provisions of this Act.

Appointment of Judge.

III. The Lieutenant-Governor of Bengal shall appoint a fit person to be Judge of the said Court.

Appointment of Prosecutor.

IV. The Lieutenant-Governor shall appoint such person as he may think proper to conduct the proceedings before the Court as Prosecutor on the part of Government.

Trial to be held before the Judge and Jury.

V. Every trial under this Act shall be held before the said Judge and a Jury composed of two Merchants of Calcutta, a Master of a Merchant Ship lying in the Port of Calcutta, and a Pilot of not less than twenty years' service.

Lists of Merchants and Pilots liable to serve on the Jury.

VI. The Judge shall cause to be prepared and shall keep two separate lists, one containing the names of Merchants, the other containing the names of Pilots, liable to serve on such Jury. The names in each list shall be arranged in alphabetical order, and the place of abode and quality or business of each person named shall be stated.

Notice to prosecutor and accused of time and place for appointing Jury.

VII. When the Judge shall be about to hold a trial under this Act, he shall give notice to the prosecutor and to the party accused of a time and place to be fixed by the Judge for appointing a Jury to serve at such trial.

Appointment of Jury.

VIII. At the time and place mentioned in the notice, the Judge in the presence of the prosecutor and the person accused shall read over the names which first occur in each of the said lists of those Merchants and Pilots who he has reason to believe are present in Calcutta and capable of attending as Jurors at the trial ; and shall also propose the name of a Master of a Merchant Ship lying in the Port of Calcutta, whom he deems qualified to serve on such Jury. If no objection be made and allowed, the persons so nominated shall be the Jury to serve at the trial. If the prosecutor or the party accused shall object to any of the persons named as Jurors, he shall assign the grounds of his objection and such objection shall forthwith be decided by the Judge. If the objection be allowed, the Judge shall read from the said lists or propose (as the case may be) another name in the place of the one objected to, and the person so nominated shall serve on the Jury provided no objection to such person be made and allowed as aforesaid.

Day of trial to be fixed and summons to issue to Jurors.

IX. When a Jury has been appointed under the last preceding Section, the Judge shall fix a day for the trial and shall summon by writing under his hand the persons so appointed to sit as a Jury. If any such person when duly summoned shall, without such excuse as the Judge shall allow to be sufficient, neglect or refuse to attend at the time appointed or to remain in attendance until the trial shall be completed, it shall be lawful for the said Judge to impose upon any such person a fine not exceeding two hundred Rupees for every such default ; and such fine, if not paid, shall be levied by distress and sale of the goods and chattels of the defaulter under a warrant to be issued for that purpose by the Judge. Such warrant may be transmitted by the Judge to any Magistrate of Police for the town of Calcutta, and thereupon such Magistrate shall endorse the same and shall

Penalty for non-attendance.

cause it to be executed in the same manner as if the warrant had been issued by such Magistrate.

Trial how to proceed if any of the Jurors do not attend.

X. If for any cause any of the persons summoned to attend as Jurors shall not be in attendance at the time fixed for the commencement of the trial, the trial may with the consent of the prosecutor and the party accused be held before the Judge and such Jurors as shall be in attendance. If such consent be not given, the place of the absent Juror shall be supplied by some other person selected by the Judge from the same profession or calling as the person originally summoned and who shall consent to serve, provided no objection to such person be made and allowed in manner aforesaid. If the parties or either of them do not consent that the trial shall be held before the Judge and such Jurors as may be in attendance and the place of the absent Juror cannot be supplied by a person consenting to serve, the trial shall be postponed to another day and the Judge shall either re-summon the same Jury or appoint and summon another Jury in the manner hereinbefore provided.

Register of Jurors who have served.

XI. The Judge shall register in a book the names of all Jurors mentioned in either of the said two lists who have attended and served on a trial held under this Act. A Juror who has served shall not be required again to serve and his name shall be excluded in reading over the Jury lists until all the persons named in the said lists who are present in Calcutta and capable of attending as Jurors shall have served.

Jurors to be sworn.

XII. Before the commencement of any trial under this Act, the persons summoned and attending as Jurors shall be sworn or affirmed by the Judge of the Court to give a true verdict according to the evidence.

Judge may summon witnesses to attend at a certain time and place.

XIII. It shall be lawful for the Judge of the said Court, at the instance of the prosecutor, or of the party accused, or of his own motion, by writing under his hand, to summon any person to attend as a witness at a time and place to be specified in the summons, for the purpose of being examined at any trial before the said Court ; or if such person shall be about to depart from Calcutta, so as to be unable to attend at such trial without serious inconvenience, then to be examined before the Judge of the said Court before the day fixed for the trial ; provided always that due notice of the time and place of such examination shall be given to the accused party ; provided also that such witness may nevertheless be examined at the trial if he shall be able to attend thereat, in which case his previous examination may also be read at the trial.

Examination of witnesses about to leave Calcutta.

Penalty for witnesses not attending or refusing to give evidence.

XIV. If any person who shall have been duly summoned to attend as a witness shall, without sufficient excuse, neglect or refuse to attend, or attending shall refuse to give evidence or to answer any question which may be lawfully put to him, such person shall forfeit and pay such fine, not exceeding five hundred Rupees, as the Judge of the said Court shall order; and such fine, if not paid, shall be levied by distress and sale of the goods and chattels of the person ordered to pay the same in the manner prescribed in Section IX. of this Act.

Witnesses to be examined on oath, according to the rules in force in the Supreme Court.

XV. The evidence of every witness examined before the said Court shall be given on oath, affirmation, or otherwise, according to the rules in that behalf for the time being in force for the examination of witnesses in Her Majesty's Supreme Court of Judicature.

Verdict of Jurors.

XVI. Upon the completion of the trial, the Jurors shall give their verdict upon the charge, or, if there be more than one one, upon each separate charge. The verdict shall be according to the opinion of the majority of Jurors. If the Jurors are equally divided, the Judge shall declare his opinion, and the verdict shall be according to the opinion of the Judge and the Jurors with whom he concurs.

Sentence of Court if the accused be found guilty.

XVII. If by such verdict the accused person is found guilty of the charge or of any one or more of the charges preferred against him, the Judge of the Court shall sentence him to be dismissed from the said Pilot Service, or to have his license withdrawn, or shall award such other punishment, by loss of rank or pay, or by change of a license from a higher to a lower grade, or suspension from employment for a specified period, as to the Judge shall appear fit. The Lieutenant-Governor of Bengal, with the sanction of the Governor General in Council, may prepare a Schedule of offences and punishments (such punishments being of the same nature as those hereinbefore mentioned) for the guidance of the said Court; and if such Schedule be prepared and sanctioned, and the charge proved before the said Court is an offence specified in such Schedule, the Judge of the said Court shall award such punishment as is prescribed for such offence in the said Schedule, and no other. If by such verdict as aforesaid the accused person is found not guilty of the charge or charges preferred against him, the Judge shall declare him acquitted of the same.

Schedule of offences and punishments to be prepared.

Acquittal.

No sentence to be final till approved by Government.

XVIII. The proceedings of the Court shall be sent by the Judge to the Superintendent of Marine for submission to the Lieutenant-Governor of Bengal; and no sentence of punishment pronounced by the Judge of the said Court shall be final until it has been approved of by the said Lieutenant-Governor.

Government may remit sentence or mitigate punishment.

The said Lieutenant-Governor may remit the whole or any part of such sentence, or may direct the substitution of any mitigated punishment in lieu of the punishment awarded by the said Court, as he shall think fit.

If verdict of Jurors be manifestly contrary to evidence, or trial be otherwise insufficient.

XIX. If it shall appear to the Judge of the said Court that the verdict of the Jurors is manifestly contrary to the evidence, or that the trial is otherwise insufficient, the Judge, instead of passing sentence on the accused person, or declaring him acquitted, as the case may be,

V. This Act may be extended by the Governor General of India in Council, or by the Executive Government of any Presidency or place, to any place within the limits of their respective jurisdictions. In the event of this Act being so extended, the powers hereby vested in a Magistrate of Police shall be exercised by such Officer or Officers as shall be specially appointed by Government to exercise such powers.

Act may be extended by Government.

W. MORGAN,

Clerk of the Council.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 4th May 1859, and is hereby promulgated for general information :—

ACT No. XIV OF 1859.

An Act to provide for the Limitation of Suits.

WHEREAS it is expedient to amend and consolidate the laws relating to the limitation of suits ; It is enacted as follows :—

Preamble.

I. No suit shall be maintained in any Court of Judicature within any part of the British territories in India in which this Act shall be in force unless the same is instituted within the period of limitation hereinafter made applicable to a suit of that nature, any Law or Regulation to the contrary notwithstanding ; and the periods of limitation, and the suits to which the same respectively shall be applicable, shall be the following, that is to say :—

Limitation of suits.

1. To suits to enforce the right of pre-emption, whether the same is founded on law or general usage or on special contract, the period of one year to be computed from the time at which the purchaser shall have taken possession under the sale impeached.

Limitation of one year.
Pre-emption suits.

2. To suits for pecuniary penalties or forfeitures for the breach of any Law or Regulation ; to suits for damages for injury to the person and personal property, or to the reputation ; to suits for damages for the infringement of copyright, or of any exclusive privilege ; to suits to recover the wages of servants, artizans, or laborers, the amount of tavern bills or bills for board and lodging or lodging only ; and to summary suits before the Revenue authorities under Regulation V. 1822 of the Madras Code—the period of one year from the time the cause of action arose.

Limitation of one year.
Suits for damages, summary suits, &c.

3. To suits to set aside the sale of any property, moveable or immoveable, sold under an execution of a decree of any Civil Court not established by Royal Charter when such suit is maintainable ; to suits to set aside the sale of any property, moveable or immoveable, for arrears of Government Revenue or other demand recoverable in like manner ; to suits by a Putneedar or the proprietor of any other intermediate tenure subject for current arrears of rent, or other person claiming under him, to set aside the sale of any Putnee talook or such other tenure sold for current arrears of rent ; to suits to set aside the sale of any property, moveable or immoveable, sold in pursuance of any decree or order of a Collector or other Officer of Revenue—the period of one year from the date at which such sale was confirmed or would otherwise have become final and conclusive if no such suit had been brought.

Limitation of one year.
Suits to set aside sales under decrees or for arrears of Government Revenue, &c.

4. To suits to set aside any attachment, lease, or transfer of any land or interest in land by the Revenue Authorities for arrears of Government Revenue, or to recover any money paid under protest in satisfaction of any claim made by the Revenue Authorities on account of arrears of revenue or demands recoverable as arrears of revenue—one year from the date of such attachment, lease, or transfer, or of such payment as the case may be.

Limitation of one year.
Suits to set aside attachments, &c., by Revenue Authorities for arrears of Government Revenue.

5. To suits to alter or set aside summary decisions and orders of any of the Civil Courts not established by Royal Charter, when such suit is maintainable—the period of one year from the date of the final decision, award, or order in the case.

Limitation of one year.
Suits to set aside summary decisions, &c.

6. To suits brought by any person to contest the justice of an award which shall have been made under Regulation VII. 1822, Regulation IX. 1825, and Regulation IX. 1833 of the Bengal Code, or to recover any property comprised in such award—the period of three years from the date of the final award or order in the case.

Limitation of three years.
Suits to contest certain awards.

7. To suits by any party bound by any order respecting the possession of property made under Clause 2 Section I Act XVI of 1838, or Act IV of 1840, or any person claiming under such party, for the recovery of the property comprised in such order—the period of three years from the date of the final order in the case.

Limitation of three years.
Suits to recover property comprised in an order made under Clause 2 Section I Act XVI of 1838 or Act IV of 1840.

8. To suits to recover the hire of animals, vehicles, boats, or household furniture ; or the amount of bills for any articles sold by retail ; and to all suits for the rents of any buildings or lands (other than summary suits before the Revenue authorities under Regulation V. 1822 of the Madras Code)—the period of three years from the time the cause of action arose.

Limitation of three years.
Suits for goods sold by retail, &c.

9. To suits brought to recover money lent or interest, or for the breach of any contract—the period of three years from the time when the debt became due or when the breach of contract in respect of which the suit is brought first took place, unless there is a written engagement to pay the money lent or interest or a contract in writing signed by the party to be bound thereby or by his duly authorised agent.

Limitation of three years.
Suits for money lent or interest or for breach of contract where no written contract exists.

V. This Act may be extended by the Governor General of India in Council, or by the Executive Government of any Presidency or place, to any place within the limits of their respective jurisdictions. In the event of this Act being so extended, the powers hereby vested in a Magistrate of Police shall be exercised by such Officer or Officers as shall be specially appointed by Government to exercise such powers.

Act may be extended by Government.

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Preamble.

I. No suit shall be maintained in any Court of Judicature within any part of the British territories in India in which this Act shall be in force unless the same is instituted within the period of limitation hereinafter made applicable to a suit of that nature, any Law or Regulation to the contrary notwithstanding; and the periods of limitation, and the suits to which the same respectively shall be applicable, shall be the following, that is to say :—

Limitation of suits.

1. To suits to enforce the right of pre-emption, whether the same is founded on law or general usage or on special contract, the period of one year to be computed from the time at which the purchaser shall have taken possession under the sale impeached.

Limitation of one year.
Pre-emption suits.

2. To suits for pecuniary penalties or forfeitures for the breach of any Law or Regulation; to suits for damages for injury to the person and personal property, or to the reputation; to suits for damages for the infringement of copyright, or of any exclusive privilege; to suits to recover the wages of servants, artizans, or laborers, the amount of tavern bills or bills for board and lodging or lodging only; and to summary suits before the Revenue authorities under Regulation V. 1822 of the Madras Code—the period of one year from the time the cause of action arose.

Limitation of one year.
Suits for damages, summary suits, &c.

3. To suits to set aside the sale of any property, moveable or immoveable, sold under an execution of a decree of any Civil Court not established by Royal Charter when such suit is maintainable; to suits to set aside the sale of any property, moveable or immoveable, for arrears of Government Revenue or other demand recoverable in like manner; to suits by a Putneedar or the proprietor of any other intermediate tenure entitled for current arrears of rent, or other person claiming under him, to set aside the sale of any Putnee Talook or such other tenure sold for current arrears of rent; to suits to set aside the sale of any property, moveable or immoveable, sold in pursuance of any decree or order of a Collector or other Officer of Revenue—the period of one year from the date at which such sale was confirmed or would otherwise have become final and conclusive if no such suit had been brought.

Limitation of one year.
Suits to set aside sales under decrees or for arrears of Government Revenue, &c.

4. To suits to set aside any attachment, lease, or transfer of any land or interest in land by the Revenue Authorities for arrears of Government Revenue, or to recover any money paid under protest in satisfaction of any claim made by the Revenue Authorities on account of arrears of revenue or demands recoverable as arrears of revenue—one year from the date of such attachment, lease, or transfer, or of such payment as the case may be.

Limitation of one year.
Suits to set aside attachments, &c., by Revenue Authorities for arrears of Government Revenue.

5. To suits to alter or set aside summary decisions and orders of any of the Civil Courts not established by Royal Charter, when such suit is maintainable—the period of one year from the date of the final decision, award, or order in the case.

Limitation of one year.
Suits to set aside summary decisions, &c.

6. To suits brought by any person to contest the justice of an award which shall have been made under Regulation VII. 1822, Regulation IX. 1825, and Regulation IX. 1833 of the Bengal Code, or to recover any property comprised in such award—the period of three years from the date of the final award or order in the case.

Limitation of three years.
Suits to contest certain awards.

7. To suits by any party bound by any order respecting the possession of property made under Clause 2 Section I Act XVI of 1838, or Act IV of 1840, or any person claiming under such party, for the recovery of the property comprised in such order—the period of three years from the date of the final order in the case.

Limitation of three years.
Suits to recover property comprised in an order made under Clause 2 Section I Act XVI of 1838 or Act IV of 1840.

8. To suits to recover the hire of animals, vehicles, boats, or household furniture; or the amount of bills for any articles sold by retail; and to all suits for the rents of any buildings or lands (other than summary suits before the Revenue authorities under Regulation V. 1822 of the Madras Code)—the period of three years from the time the cause of action arose.

Limitation of three years.
Suits for goods sold by retail, &c.

9. To suits brought to recover money lent or interest, or for the breach of any contract—the period of three years from the time when the debt became due or when the breach of contract in respect of which the suit is brought first took place, unless there is a written engagement to pay the money lent or interest or a contract in writing signed by the party to be bound thereby or by his duly authorised agent.

Limitation of three years.
Suits for money lent or interest or for breach of contract where no written contract exists.

Limitation of three years.
Suits for the same where there is a written contract which has not been registered within six months.

10. To suits brought to recover money lent or interest, or for the breach of any contract in cases in which there is a written engagement or contract and in which such engagement or contract could have been registered by virtue of any Law or Regulation in force at the time and place of the execution thereof—the period of three years from the time when the debt became due or when the breach of contract in respect of which the action is brought first took place, unless such engagement or contract shall have been registered within six months from the date thereof.

Limitation of 12 years.
Suits for specialty-debts and legacies.

11. To suits in cases governed by English law upon all debts and obligations of record and specialties; and to suits for the recovery of any legacy—the period of twelve years from the time the cause of action arose.

Limitation of 12 years.
Suits for immoveable property.

12. To suits for the recovery of immoveable property or of any interest in immoveable property to which no other provision of this Act applies—the period of twelve years from the time the cause of action arose.

Limitation of 12 years.
Suits for shares in joint family property and for maintenance.

13. To suits to enforce the right to share in any property moveable or immoveable on the ground that it is joint family property; and to suits for the recovery of maintenance, where the right to receive such maintenance is a charge on the inheritance of any estate—the period of twelve years from the death of the persons from whom the property alleged to be joint is said to have descended, or on whose estate the maintenance is alleged to be a charge; or from the date of the last payment to the plaintiff or any person through whom he claims, by the person in the possession or management of such property or estate on account of such alleged share, or on account of such maintenance as the case may be.

Limitation of 12 years.
Suits to resume or assess Lakheraj or rent-free land.

14. To suits by the proprietor of any land or by any person claiming under him, for the resumption or assessment of any Lakheraj or rent-free land—the period of twelve years from the time when the title of the person claiming the right to resume and assess such lands, or of some person under whom he claims, first accrued. Provided that in estates permanently settled no such suit, although brought within twelve years from the time when the title of such person first accrued, shall be maintained, if it is shown that the land has been held Lakheraj or rent-free from the period of the permanent settlement.

Proviso if the land has been held rent-free from the time of the permanent settlement.

Limitation for 30 and 60 years respectively.
Suits against depositaries, pawnees, or mortgagees to recover immoveable property.

15. To suits against a depositary, pawnee, or mortgagee of any property moveable or immoveable for the recovery of the same—a period of thirty years if the property be moveable and sixty years if it be immoveable, from the time of the deposit, pawn, or mortgage; or if in the mean time an acknowledgment of the title of the depositor, pawner, or mortgagor, or of his right of redemption, shall have been given in writing signed by the depositary, pawnee, or mortgagee or some person claiming under him, from the date of such acknowledgment in writing.

Limitation of six years applicable to all suits not especially provided for.

16. To all suits for which no other limitation is hereby expressly provided—the period of six years from the time the cause of action arose.

Suits against trustees and their representatives for breach of trust, &c.

II. No suit against a trustee in his lifetime and no suits against his representatives for the purpose of following in their hands the specific property which is the subject of the trust, shall be barred by any length of time; but no suit to make good the loss occasioned by a breach of trust out of the general estate of a deceased trustee shall be maintained in any of the said Courts unless the same is instituted within the proper period of limitation according to the last preceding Section, to be computed from the decease of such trustee; provided that nothing herein contained shall prevent a co-trustee from enforcing, against the estate of a deceased trustee, any claim for contribution, if he shall institute a suit for that purpose within six years after such right of contribution shall have arisen.

Proviso

Shorter periods of limitation, if prescribed by particular Acts, to prevail.

III. When, by any law now or hereafter to be in force, a shorter period of limitation than that prescribed by this Act is specially prescribed for the institution of a particular suit, such shorter limitation shall be applied notwithstanding this Act.

Revival of right to sue by admission in writing.

IV. If, in respect of any legacy or debt, the person who, but for the law of limitation, would be liable to pay the same, shall have admitted that such debt or legacy or any part thereof is due, by an acknowledgment in writing signed by him, a new period of limitation, according to the nature of the original liability, shall be computed from the date of such admission; provided that, if more than one person be liable, none of them shall become chargeable by reason only of a written acknowledgment signed by another of them.

Proviso.

Computation of period of limitation in suits to recover property purchased from depositaries, pawnees, or mortgagees.

V. In suits for the recovery from the purchaser or any person claiming under him of any property purchased *bonâ fide* and for valuable consideration from a trustee, depositary, pawnee, or mortgagee, the cause of action shall be deemed to have arisen at the date of the purchase. Provided that in the case of purchase from a depositary, pawnee, or mortgagee, no such suit shall be maintained unless brought within the time limited by Clause 15 Section I.

Proviso.

Computation of period of limitation in suits in Supreme Courts by mortgagee to recover immoveable property mortgaged.

VI. In suits in the Courts established by Royal Charter by a mortgagee to recover from the mortgagor the possession of the immoveable property mortgaged, the cause of action shall be deemed to have arisen from the latest date at which any portion of

principal money or interest was paid on account of such mortgage debt.

Computation of period of limitation in suits to avoid incumbrances or under-tenures in estates sold for arrears of Government Revenue.

VII. In suits to avoid incumbrances or under-tenures in an estate sold for arrears of Government Revenue due from such estate, or in a Putnee Talook or other saleable tenure sold for arrears of rent which by virtue of such sale becomes freed from incumbrances and under-tenures the cause of action shall be deemed to have arisen at the time when the sale of the estate, talook, or tenure became final and conclusive.

Computation of period of limitation in suits between merchants for balances of accounts current.

VIII. In suits for balances of accounts current between merchants and traders who have had mutual dealings, the cause of action shall be deemed to have arisen at, and the period of limitation shall be computed from the close of the year in the accounts of which there is the last item admitted or proved indicating the continuance of mutual dealings; such year to be reckoned as the same is reckoned in the accounts.

Computation of period of limitation in case of concealed fraud.

IX. If any person entitled to a right of action shall by means of fraud have been kept from the knowledge of his having such right or of the title upon which it is founded, or if any document necessary for establishing such right shall have been fraudulently concealed, the time limited for commencing the action against the person guilty of the fraud or accessory thereto, or against any person claiming through him otherwise than in good faith and for a valuable consideration, shall be reckoned from the time when the fraud first became known to the person injuriously affected by it or when he first had the means of producing or compelling the production of the concealed document.

Computation of period of limitation in suits where the cause of action is founded on fraud.

X. In suits in which the cause of action is founded on fraud, the cause of action shall be deemed to have first arisen at the time at which such fraud shall have been first known by the party wronged.

Computation of period of limitation in case of legal disability.

XI. If at the time when the right to bring an action first accrues the person to whom the right accrues is under a legal disability, the action may be brought by such person or his representative within the same time after the disability shall have ceased as would otherwise have been allowed from the time when the cause of action accrued, unless such time shall exceed the period of three years, in which case the suit shall be commenced within three years from the time when the disability ceased; but if, at the time when the cause of action accrues to any person, he is not under a legal disability, no time shall be allowed on account of any subsequent disability of such person or of the legal disability of any person claiming through him.

What persons to be deemed to be under legal disability under preceding Section.

XII. The following persons shall be deemed to be under legal disability within the meaning of the last preceding Section—married women in cases to be decided by English law, minors, idiots, and lunatics.

Computation of period of limitation in case of absence of defendant.

XIII. In computing any period of limitation prescribed by this Act, the time during which the defendant shall have been absent out of the British territories in India shall be excluded from such computation unless service of a summons to appear and answer in the suit can during the absence of such defendant be made in any mode prescribed by law.

Computation of period of limitation in case of suit prosecuted *bonâ fide*, but in wrong Court.

XIV. In computing any period of limitation prescribed by this Act, the time during which the claimant, or any person under whom he claims, shall have been engaged in prosecuting a suit upon the same cause of action against the same defendant, or some person whom he represents, *bonâ fide* and with due diligence, in any Court of Judicature which, from defect of jurisdiction or other cause, shall have been unable to decide upon it, or shall have passed a decision which, on appeal, shall have been annulled for any such cause, including the time during which such appeal, if any, has been pending, shall be excluded from such computation.

Person unlawfully dispossessed of immoveable property may recover possession notwithstanding any title that may be set up.

XV. If any person shall without his consent have been dispossessed of any immoveable property otherwise than by due course of law, such person or any person claiming through him shall in a suit brought to recover possession of such property be entitled to recover possession thereof notwithstanding any other title that may be set up in such suit, provided that the suit be commenced within six months from the time of such dispossession. But nothing in this Section shall bar the person from whom such possession shall have been so recovered or any other person instituting a suit to establish his title to such property and to recover possession thereof within the period limited by this Act.

Suit for dispossession to be brought within six months.

Suit to establish title not to be affected.

Act not to interfere with equitable jurisdiction of Supreme Courts.

XVI. Nothing in this Act contained shall be deemed to interfere with any rule or jurisdiction of any Court established by Royal Charter in refusing equitable relief on the ground of acquiescence or otherwise, to any person whose right to bring a suit may not be barred by virtue of this Act.

Act not to extend to public property, nor to suits for the recovery of public claims.

XVII. This Act shall not extend to any public property or right, nor to any suits for the recovery of the public revenue or for any public claim whatever, but such suits shall continue to be governed by the laws or rules of limitation now in force.

XVIII. All suits that may be now pending or that shall be instituted within the period of two years from the date of the passing of this Act shall be tried and determined as if this Act had not been passed; but all suits to which the provisions of this Act are applicable that shall be instituted after the expiration of the said period shall be governed by this Act and no other law of limitation, any Statute, Act, or Regulation now in force notwithstanding.

Act not to apply to suits now pending or to suits instituted within two years.

Suits afterwards instituted to be governed by this Act.

XIX. No proceeding shall be taken to enforce any judgment, decree, or order of any Court established by Royal Charter, but within twelve years next after a present right to enforce the same shall have accrued to some persons capable of releasing the same, unless in the meantime such judgment, decree, or order shall have been duly revived or some part of the principal money secured by such judgment, decree, or order or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing signed by the person by whom the same shall be payable or his agent to the person entitled thereto or his agent; and in any such case no proceeding shall be brought to enforce the said judgment, decree, or order, but within twelve years after such revivor, payment, or acknowledgment or the latest of such revivors, payments, or acknowledgments as the case may be, provided that for three years next after the passing of this Act, every judgment, decree, and order which may be in force at the date of the passing of this Act shall be governed by the law now in force, anything therein contained notwithstanding.

Proceedings for enforcing judgments, &c., of Supreme Courts to be taken within twelve years.

Proviso as to judgments now in force.

XX. No process of execution shall issue from any Court not established by Royal Charter to enforce any judgment, decree, or order of such Court, unless some proceeding shall have been taken to enforce such judgment, decree, or order or to keep the same in force within three years next preceding the application for such execution.

Time for enforcing execution of judgment, &c., of a Civil Court not established by Royal Charter.

XXI. Nothing in the preceding Section shall apply to any judgment, decree, or order in force at the time of the passing of this Act, but process of execution may be issued either within the time now limited by law for issuing process of execution thereon or within three years next after the passing of this Act, whichever shall first expire.

Preceding Section not to apply to judgments, &c., in force at the passing of this Act.

XXII. No process of execution shall issue to enforce any summary decision or award of any of the Civil Courts not established by Royal Charter or of any Revenue Authority unless some proceeding shall have been taken to enforce such decision or award or to keep the same in force within one year next preceding the application for such execution.

Time for execution of a summary award of Civil Court or Revenue Authority.

XXIII. Nothing in the preceding Section shall apply to any summary decision or award in force at the time of the passing of this Act, but process of execution may be issued either within the time now limited by law for issuing process of execution thereon or within two years next after the passing of this Act whichever shall first expire.

Preceding Section not to apply to summary awards in force at the passing of this Act.

XXIV. This Act shall take effect throughout the Presidencies of Bengal, Madras, and Bombay, including the Presidency Towns and the Straits' Settlement; but shall not take effect in any Non-Regulation Province or place until the same shall be extended thereto by public notification by the Governor General in Council or by the local Government to which such Province or place is subordinate. Whenever this Act shall be extended to any Non-Regulation Province or place by the Governor General in Council or by the local Government to which such Province or place is subordinate, all suits which within such Province or place shall be pending at the date of such notification or shall be instituted within the period of two years from the date thereof, shall be tried and determined as if this Act had not been passed; but all suits to which the provisions of this Act are applicable that shall be instituted within such Province or place after the expiration of the said period, shall be governed by this Act and by no other law of limitation, any Statute, Act, or Regulation now in force notwithstanding.

Operation of Act.

Trial of pending suits, &c., in any Non-Regulation Province or place to which the Act is extended.

W. MORGAN,
Clerk of the Council.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 4th May 1859, and is hereby promulgated for general information:—

ACT No. XI OF 1859.

An Act to improve the law relating to sales of Land for arrears of Revenue in the Lower Provinces under the Bengal Presidency.

WHEREAS it is expedient to discontinue the practice of obtaining the previous sanction of the Board of Revenue to sales of estates for arrears of revenue, or other demands of Government, in the Province of Cuttack: and whereas it is just that a person having a lien upon an estate, and paying the money necessary to protect it from sale for arrears of revenue, should be reasonably secured: and whereas it is expedient to afford sharers in estates, who duly pay their shares of the Sudder Jumma of their estates, easy means of protecting their shares from sale by reason of the default of their co-sharers: and whereas it is expedient to afford landholders, particularly absentees, facilities in guarding against the accidental sale of their estates for arrears of revenue by reason of the neglect or fraud of their agents: and whereas it is expedient to provide for the voluntary registration of dependent talooks existing at the time of settlement: and

Preamble.

whereas it is expedient to protect the holders of registered under-tenures created since the settlement, and not resumable by the grantors or their representatives, from loss by the avoidance of their tenures on the occasion of a sale of the superior estate for arrears of public revenue, when the arrears can be realized by such sale: and to give absolute security to such tenures by special registry, when shown to be held at rents sufficient for the security of the revenue: and it is therefore proper, for the above and other purposes, to improve the law relating to sales of land for arrears of revenue in the Provinces of Bengal, Behar, and Orissa: It is enacted as follows:—

Laws repealed

I. Regulation X. 1818 (*relating to collection of the public revenue from proprietors and farmers of land in the District of Cuttack &c.*) is hereby repealed; and from the date of the passing of this law, Act I of 1845 (*regarding sales of land for arrears of Revenue*), except in so far as it repeals other laws, and except in regard to sales made or advertised, to arrears and other demands realizable, and to suits commenced and acts done, under authority thereof—shall cease to have effect in the Lower Provinces of Bengal.

What is an arrear of revenue.

II. If the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kistbundee of any mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of revenue.

Latest day of payment.

III. Upon the promulgation of this Act, the Board of Revenue at Calcutta shall determine upon what dates all arrears of revenue and all demands which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of revenue, shall be paid up in each district under their jurisdiction, in default of which payment the estates in arrear in those districts, except as hereinafter provided, shall be sold at public auction to the highest bidder. And the said Board shall give notice of the dates so fixed in the official Gazette, and shall direct corresponding publication to be made as far as regards each district in the language of that district, in the office of the Collector or other officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate, (or Joint Magistrate, as the case may be,) and Moonsiffs, and at every Thannah station of that district; and the dates so fixed shall not be changed except by the said Board by advertisement and notification, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

In Sylhet, personal property liable to distress and sale.

IV. Provided that in the district of Sylhet, the Collector may be authorized by the Board of Revenue to proceed in the first instance by the distress and sale of the personal property of defaulters, instead of by the sale of their estates.

Proviso in the case of certain descriptions of arrear.

V. Provided always that no estate, and no share or interest in any estate, shall be sold for the recovery of arrears or demands of the descriptions mentioned below, otherwise than after a notification in the language of the district, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed for a period of not less than fifteen clear days preceding the date fixed for payment, according to Section III of this Act, in the office of the Collector or other officer duly authorized to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, and in the Moonsiff's Court and Police Thannah of the division in which the estate or share of an estate to which the notification relates, is situated; or if the estate or share of an estate be situated within the jurisdiction of more than one Moonsiff's Court or Police Thannah, in some one or more of such Courts or Thannahs; and also at the cutcherry of the malgoozar or owner of the estate or share of an estate, or at some conspicuous place upon the estate or share of an estate, the same to be certified by the peon or other person employed for the purpose.

First.—Arrears other than those of the current year, or of the year immediately preceding.

Secondly.—Arrears due on account of estates other than that to be sold.

Thirdly.—Arrears of estates under attachment by order of any judicial authority, or managed by the Collector in accordance with such order.

Fourthly. Arrears due on account of tuccavee, poolbundee, or other demands not being land revenue, but recoverable by the same process as arrears of land revenue.

Notifications of sale to be issued, and no tender after latest day of payment to stop the sale.

VI. The Collector or other officer duly authorized to hold sales under this Act shall, as soon as possible after the latest day of payment fixed in the manner prescribed in Section III of this Act, issue notifications in the language of the district, to be affixed in his own Office and in the Court of the Judge of the district, specifying the estates or shares of estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the Office of the Collector or other officer as aforesaid. And if the Government revenue of any estate or share of an estate to be sold, exceed the sum of five hundred Rupees, a notification of the sale of such estate or share of an estate shall be published in the official Gazette. Except as hereinafter provided, all estates or shares of estates so specified shall, on the day notified for sale, or on the day or days following be put up to public auction by and in the presence of the Collector or other officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made after sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

Notice to ryots, &c.

VII. Whenever an estate or share of an estate is notified for sale as provided by Section VI of this Act, the Collector or other officer as aforesaid shall affix a proclamation in the language of the district in his own Office, and as soon thereafter as may be in the Moonsiff's Courts and Police Thannahs within which the estate or share of an estate, or any part of it, is situated, and also at the cutcherry of the malgoozar or the owner of the estate or share of an estate, or at some

conspicuous place upon the estate or share of an estate forbidding the ryots and under-tenants to pay to the defaulting proprietor any rent which has fallen due after the day fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums so paid.

Claims against Government held by a defaulter not to invalidate a sale.

VIII. No claim to abatement or remission of revenue unless the same shall have been allowed by the authority of Government, and no private demand or cause of action whatever held or supposed to be held by any defaulter against Government, shall bar or render void or voidable a sale under this Act; nor shall the plea that money belonging to the defaulter, and sufficient to pay the arrear of revenue due, was in the Collector's hands, bar or render void or voidable a sale under this Act, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, or after the written agreement provided for in Section XV of this Act, the Collector shall have neglected, or refused on insufficient grounds, to transfer it on payment of the arrear of revenue due.

Deposits receivable from persons not proprietors.

IX. The Collector or other Officer as aforesaid shall, at any time before sunset of the latest day of payment determined according to Section III of this Act, receive as a deposit from any person not being a proprietor of the estate or share of an estate in arrear, the amount of the arrear of revenue due, to be credited in payment of the arrear at sunset as aforesaid, unless before that time the arrear shall have been paid by a defaulting proprietor of the estate. And in case the person so depositing, whose money shall have been credited in the manner aforesaid, shall be a party in a suit pending before a Court of Justice for the possession of the estate or share from which the arrear is due, or any part thereof, it shall be competent to the said Court to order the said party to be put into temporary possession of the said estate or share, or part thereof, subject to the rules in force for taking security in the cases of parties in Civil suits. And if the person so depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said person, which would have been endangered or damaged by the sale, or which he believed in good faith would have been endangered or damaged by the sale, he shall be entitled to recover the amount of the deposit, with or without interest as the Court may determine, from the defaulting proprietor. And if the party so depositing, whose money shall have been credited as aforesaid, shall prove before such a Court that the deposit was necessary in order to protect any lien he had on the estate, or share, or part thereof, the amount so credited shall be added to the amount of the original lien.

Separation of shares held in common.

X. When a recorded sharer of a joint estate, held in common tenancy, desires to pay his share of the Government revenue separately, he may submit to the Collector a written application to that effect. The application must contain a specification of the share held in the estate by the applicant. The Collector shall then cause to be published in his own Office in the Courts of the Judge, Magistrate (or Joint Magistrate, as the case may be), and Moonsiffs, and in the Police Thannahs in whose jurisdiction the estate or any part thereof is situated, as well as on some conspicuous part of the estate itself, a copy of the application made to him. If within six weeks from the date of the publication of these notices, no objection is made by any other recorded sharer, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments made by him on account of it. The date on which the Collector records his sanction to the opening of a separate account, shall be held to be that from which the separate liabilities of the share of the applicant commence.

Separation of shares consisting of specific portions of land.

XI. When a recorded sharer of a joint estate, whose share consists of a specific portion of the land of the estate, desires to pay his share of the Government revenue separately, he may submit to the Collector a written application to that effect. The application must contain a specification of the land comprised in his share, and of the boundaries and extent thereof, together with a statement of the amount of sudder jumma heretofore paid on account of it. On the receipt of this application, the Collector shall cause it to be published in the manner prescribed for publication of notice in the last preceding Section. In the event of no objection being urged by any recorded co-sharer within six weeks from the time of publication, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments made by him on account of it. The date on which the Collector records his sanction to the opening of a separate account, shall be held to be that from which the separate liabilities of the share of the applicant commence.

If objection be made, parties to be referred to the Civil Court.

XII. If any recorded proprietor of the estate, whether the same be held in common tenancy or otherwise, object that the applicant has no right to the share claimed by him, or that his interest in the estate is less or other than that claimed by him, or if the application be in respect of a specific portion of the land of an estate, that the amount of sudder jumma stated by the applicant to have been heretofore paid on account of such portion of land is not the amount which has been recognized by the other sharers as the jumma thereof, the Collector shall refer the parties to the Civil Court, and shall suspend proceedings until the question at issue is judicially determined.

Sale of separate shares.

XIII. Whenever the Collector shall have ordered a separate account or accounts to be kept for one or more shares, if the estate shall become liable to sale for arrears of revenue, the Collector or other officer as aforesaid in the first place shall put up to sale only that share or those shares of the estate from which, according to the separate accounts, an arrear of revenue may be due. In all such cases notice of the intention of excluding the share or shares from which no arrear is due, shall be given in the advertisement of sale prescribed in Section VI of this Act. The share or shares sold, together with the share or shares excluded from the sale, shall continue to constitute one integral estate, the share or shares sold being charged with the separate portion or the aggregate of the several separate portions of jumma assigned thereto.

XIV. If in any case of a sale held according to the provisions of the last preceding Section, the highest offer for the share exposed to sale shall not equal the amount of arrear due thereupon to the date of sale, the Collector or other officer as aforesaid shall stop the sale, and shall declare that the entire estate will be put up to sale for arrears of revenue at a future date, unless the other recorded sharer or sharers, or one or more of them, shall within ten days purchase the share in arrear by paying to Government the whole arrear due from such share. If such purchase be completed, the Collector or other officer as aforesaid shall give such certificate and delivery of possession as are provided for in Sections XXVIII and XXIX of this Act, to the purchaser or purchasers, who shall have the same rights as if the share had been purchased by him or them at the sale. If no such purchase be made within ten days as aforesaid, the entire estate shall be sold, after notification for such period and publication in such manner as is prescribed in Section VI of this Act.

Entire estate may be sold under certain conditions.

XV. If any recorded proprietor or co-partner of an estate shall deposit with the Collector money, or Government securities endorsed and made payable to the order of the Collector, and shall sign an agreement pledging the same to Government by way of security for the jumma of the entire estate, and authorizing the Collector to apply to the payment of any arrear of revenue that may become due from that estate the whole or any portion of the said money or securities that may be necessary for that purpose, then in the case of any arrear of revenue due from the said estate not being paid before sunset of the latest day of payment fixed under Section III of this Act, the Collector shall apply to the payment of such arrear the said money or securities, or such part thereof or of any interest due on the said securities as may be necessary; and for this purpose the Collector shall first apply any money that may be in his hands and any interest that may be due upon such securities, and may then sell and transfer the securities for any balance that may remain. And so long as any money or securities as aforesaid, sufficient to cover any arrear that may fall due, shall remain and be available as aforesaid, the estate for the protection of which the said deposit was made shall be exempted from sale for arrears of revenue. All monies and securities so deposited shall be exempt from attachment, otherwise than in execution of a decree of a Civil Court.

Deposit for the protection of an estate from sale.

XVI. It shall be competent to the person making a deposit under the provision of the last preceding Section, or his representative or assignee, at any time to withdraw the deposit, and to revoke the pledge of the same.

Withdrawal of the deposit.

XVII. No estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards; and no estate the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of eighteen years. And no estate held under attachment by the revenue authorities otherwise than by order of a judicial authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no estate held under attachment or managed by a Revenue Officer, in pursuance of an order of a judicial authority, shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment, or management until after the end of the year in which such arrears accrued.

Estates under Court of Wards or attachment.

XVIII. It shall be competent to the Collector, or other Officer as aforesaid, at any time before the sale of an estate or share of an estate shall have commenced, to exempt such estate or share from sale; and in like manner it shall be competent to the Commissioner of Revenue, at any time before the sale of an estate or share of an estate shall have commenced, to exempt such estate or share from sale, by a special order to the Collector or other officer as aforesaid to that effect in each case; and no such sale shall be legal if held after the receipt of such order of exemption. Provided, however, and it is hereby enacted, that the Collector or other officer as aforesaid or the Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector or other officer as aforesaid of the order of exemption.

Estates may be specially exempted from sale.

Proviso.

XIX. Sales shall ordinarily be made by the Collector or other officer as aforesaid in the land revenue office at the Sudder Station of the District: provided, however, that it shall be competent to the Board of Revenue to prescribe a place for holding sales other than such office, whenever they shall consider it beneficial to the parties concerned.

Sales where to be made.

XX. In case the Collector or other officer as aforesaid shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid; or if, having commenced it, he be unable, from any cause, to complete it; he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment; forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his cutcherry; and so on, from day to day, until he shall be able to commence upon, or to complete the sale; but, with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

Adjournment of sales.

XXI. On the day of sale fixed according to Section VI of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on

Order of selling.

the towjee or register in use in the Collector's office of the district being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other officer as aforesaid to put up any estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section XXII of this Act.

Deposit on account of purchase money.

XXII. The party who shall be declared the purchaser of an estate or share of an estate at any such public sale as aforesaid, shall be required to deposit immediately or as soon after the conclusion of the sale of the estate or share as the Collector or other officer as aforesaid may think necessary, either in cash, Bank of Bengal Notes or Post Bills, or Government Securities to be valued at the market rate of the day, duly endorsed, twenty-five per cent. on the amount of his bid; and in default of such deposit, the estate or share shall forthwith be put up again and sold.

Full payment of purchase money.

XXIII. The full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the estate or share of an estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, the deposit shall be forfeited to Government, the estate or share shall be resold, and the defaulting purchaser shall forfeit all claim to the estate or share, or to any part of the sum for which it may subsequently be sold. And in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public revenue, and such difference shall be taken and considered to be a part of the purchase money and shall be dealt with in the manner hereinafter prescribed for the disposal thereof.

Re-sale.

XXIV. When default is made in the payment of purchase money a notification of the intended re-sale shall be published for the period and in the manner prescribed in Section VI of this Act, but such notification shall not be published until the expiration of three clear days after the day on which the default shall have occurred and if the payment or tender of payment of the arrear on account of which the estate or share was first sold, and of any arrear which may have subsequently become due shall be made by or on behalf of the proprietor of the estate or share before sunset of the third day, the issue of the notification of re-sale shall be stayed. The rules contained in the last preceding Section shall be applicable to every such re-sale. Provided that, if default of payment of purchase money shall occur more than once, the amount to be recovered from the defaulting bidders shall be the difference between the highest bid and the proceeds of the sale eventually consummated, which amount may be levied in manner aforesaid from any of the defaulting bidders to the extent of the amount by which his bid exceeds the amount realized.

Appeals.

XXV. It shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XXIII, or if preferred to the Collector or other Officer as aforesaid for transmission to the Commissioner, on or before the tenth day from the day of sale, and not otherwise; and the Commissioner shall be competent in every case of appeal so preferred, to annul any sale of an estate or share of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed the interest, at the highest rate of the current Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's office; and the order of the Commissioner shall in such cases be final.

Annulment of sale in special cases.

XXVI. It shall be competent to the Commissioner of Revenue, on the ground of hardship or injustice, to suspend the passing of final orders in any case of appeal from a sale, and to represent the case to the Board of Revenue, who, if they see cause, may recommend to the local Government to annul the sale; and the local Government in any such case may annul the sale and cause the estate or share of an estate to be restored to the proprietor on such conditions as may appear equitable and proper

Sales when final.

XXVII. All sales of which the purchase money has been paid up as prescribed in Section XXIII of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale as the first of the said thirty days. And sales against which an appeal may have been preferred, and dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

Certificate of sales.

XXVIII. Immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid shall give to the purchaser a certificate of title in the form prescribed in Schedule A annexed to this Act. And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate or share of an estate sold being vested in the person or persons named from the date specified; and the Collector shall also notify such transfer by written proclamation in his own office, and in the Courts of the Moonsiffs and Police Thannahs within whose jurisdictions any part of the estate or share sold shall be situated.

Delivery of possession.

XXIX. The Collector or other officer as aforesaid shall order delivery of possession of the estate or share purchased to be made by removing any person who may refuse to vacate the same, and by proclamation to the occupants of the property by beat of drum or in such other mode as may be customary, at some convenient place or places; and by affixing a copy of the certificate at

the Mal cutchery or in some conspicuous place of the estate or share of an estate purchased.

Liability of purchaser.

XXX. The party certified as the proprietor of an estate or share of an estate by purchase under this Act, shall be answerable for all instalments of the revenue of Government which may fall due after the latest day of payment aforesaid.

Application of purchase money.

XXXI. The Collector shall apply the purchase money first to the liquidation of all arrears due upon the latest day of payment from the estate or share of an estate sold; and secondly to the liquidation of all outstanding demands debited to the estate or share of an estate in the public accounts of the District; holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate or share of an estate sold or their heirs or representatives to be paid to his or their receipt on demand in the manner following: to wit, in shares proportioned to their recorded interest in the estate or share of an estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. And if before payment to the late proprietor or proprietors of any surplus that may remain of the purchase money, the same be claimed by any creditor in satisfaction of a debt, such surplus shall not be payable to such claimant, nor shall it be withheld from the proprietor, except under precept of a Civil Court.

Notification of annulment of sale.

XXXII. The annulment by a Commissioner or by Government of a sale made under this Act shall be publicly notified by the Collector or other officer as aforesaid, in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXVII of this Act; and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser with interest thereon at the highest rates of the current public securities; which shall be paid by the Government, unless the proprietor shall have become liable for the same under the provisions of Section XXV or Section XXVI of this Act.

Jurisdiction of Civil Courts in suits to annul sales.

XXXIII. No sale for arrears of revenue or other demands realizable in the same manner as arrears of revenue are realizable, made after the passing of this Act, shall be annulled by a Court of Justice, except upon the ground of its having been made contrary to the provisions of this Act, and then only on proof that the plaintiff has sustained substantial injury by reason of the irregularity complained of: and no such sale shall be annulled upon such ground, unless such ground shall have been declared and specified in an appeal made to the Commissioner under Section XXV of this Act; and no suit to annul a sale made under this Act shall be received by any Court of Justice unless it shall be instituted within one year from the date of the sale becoming final and conclusive as provided in Section XXVII of this Act: and no person shall be entitled to contest the legality of a sale, after having received any portion of the purchase money.

Proviso.

Provided, however, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or omission connected with a sale under this Act, from his remedy in a personal action for damages against the person by whose act or omission he considers himself to have been wronged.

Effects of annulment by decree of Court of sales under this Act.

XXXIV. If a sale made under this Act be annulled by a final decree of a Civil Court, application for the execution of such decree shall be made within six months after the date thereof; otherwise the party in whose favor such decree was passed shall lose all benefit therefrom. And no order for restoring such decreeholder to possession shall be passed until any amount of surplus purchase money that may have been paid away by order of a Civil Court be repaid by him, with interest at the highest rate of the current Government Securities. And if such party shall neglect to pay any amount so recoverable, within six months from the date of such final decree, he shall lose all benefit therefrom.

If sale annulled, purchase money to be refunded.

XXXV. In the event of a sale being annulled by a final decree of a Court of Justice, and the former proprietor being restored to possession, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

No suits on the ground of benamee purchase.

XXXVI. Any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person not the certified purchaser, or on behalf partly of himself and partly of another person, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

Rights of a purchaser of a permanently settled estate sold for its own arrears.

XXXVII. The purchaser of an entire estate in the permanently settled Districts of Bengal, Behar, and Orissa, sold under this Act for the recovery of arrears due on account of the same shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement; and shall be entitled to avoid and annul all under-tenures and forthwith to eject all under-tenants, with the following exceptions:

First. Istemraree or mokurreree tenures which have been held at a fixed rent from the time of the permanent settlement.

Secondly. Tenures existing at the time of settlement, which have not been held at a fixed rent. Provided always that the rents of such tenures shall be liable to enhancement under any law for the time being in force for the enhancement of the rent of such tenures.

Thirdly. Talookdaree and other similar tenures created since the time of settlement, and held immediately of the proprietors of estates; and farms for terms of years so held, when such tenures and farms have been duly registered under the provisions of this Act.

Fourthly. Leases of lands whereon dwelling houses, manufactories, or other permanent buildings have been erected, or whereon gardens, plantations, tanks, wells, canals, places of worship, or burning or burying grounds have been made, or wherein mines have been sunk.

And such a purchaser as is aforesaid shall be entitled to proceed in the manner prescribed by

any law for the time being in force for the enhancement of the rent of any land coming within the fourth class of exceptions above made, if he can prove the same to have been held at what was originally an unfair rent, and if the same shall not have been held at a fixed rent, equal to the rent of good arable land, for a term exceeding twelve years; but not otherwise.

Proviso.

Provided always, that nothing in this Section contained shall be construed to entitle any such purchaser as aforesaid to eject any ryot, having a right of occupancy at a fixed rent or at a rent assessable according to fixed rules under the laws in force, or to enhance the rent of any such ryot otherwise than in the manner prescribed by such laws, or otherwise than the former proprietor, irrespectively of all engagements made since the time of settlement, may have been entitled to do.

Registration of talookdaree tenures created after settlement and held for terms of years.

XXXVIII. The following rules for the registration of talookdaree and other similar tenures created since the time of settlement, and held immediately of the proprietors of estates and of farms for terms of years so held, shall be observed.

Common and special registry.

XXXIX. There shall be two sets of registers, one for common registry and one for special registry. Common registry shall secure such tenures and farms against any auction purchaser at a sale for arrears of revenue except the Government. Special registry shall secure such tenures and farms against any auction purchaser at a sale for arrears of revenue including the Government.

Application for registry.

XL. The holder of any talookdaree or other similar tenure, such as is described in Section XXXVIII of this Act, desirous of registering it, shall apply by petition to the Collector of the District to which the estate belongs. The application shall state which description of registry is desired, and shall contain the following particulars so far as the same are ascertainable.

1. The Pergunnah or Pergunnahs in which the tenure is situated.

2. The nature of the tenure.

3. The name or names of the village or villages whereof the land is composed, or wherein it is situated.

4. The area of the land comprised in the tenure, with its boundaries in complete detail.

5. The amount of rent payable annually for the tenure, and whether the rent is fixed for a term of years or in perpetuity, and the duties, if any, required to be performed on account of it.

6. The date of the deed constituting the tenure, or the date when the tenure was created.

7. The name of the proprietor who created the tenure.

8. The name of the original holder of the tenure.

9. The name of the present possessor, and if he be not the original holder, the mode in which he succeeded to the tenure, whether by inheritance, gift, purchase, or otherwise, and whether he holds jointly or solely.

Holders of such farms as are described in the said Section may apply in like manner for registry of the same. The application shall contain such of the foregoing particulars as are applicable to farms.

Procedure on application for common registry.

XLI. When the application is for common registry, the Collector shall serve a notice on the recorded proprietor or proprietors of the estate in which the tenure or farm is situated, or the authorized agent of such proprietor or proprietors, with a copy of the application annexed; and shall cause a notice, with a copy of the application annexed, to be affixed in his office, and at the mal-cutcherry of the estate in which the tenure or farm is situated, or in such other place or places as in the opinion of the Collector may be best suited to give publicity to the application, requiring the proprietor or any party interested, within thirty days from the issue of the said notice, to file any objections he may have to the registry of the tenure or farm, or to any statement contained in the application. If within the limited time no objection is made, the Collector shall register the tenure or farm. If within the limited time an objection is made by any recorded proprietor, or by any party interested not being a proprietor, the Collector shall examine the person so objecting or his authorized agent, and if it shall appear to him that such person has probable ground of objection, the Collector shall suspend proceedings, and shall refer the parties to the Civil Court, otherwise he shall grant the application. If the decision of the Civil Court be in favor of the applicant, the Collector, on the presentation of a copy of the final decree, shall register the tenure or farm.

Procedure on application for special registry.

XLII. When the application is for special registry, the Collector shall serve and issue the notices prescribed in the last preceding Section. If within the limited time no objection is made, the Collector shall cause any enquiry that he may deem necessary for the security of the Government revenue, to be made; and if he is satisfied that the Government revenue of the parent estate is sufficiently secured so far as it may be affected by the tenure or farm in question, he shall report the case to the Commissioner, who, if also satisfied on that point, shall direct the tenure or farm to be registered according to the application. Otherwise the application shall be rejected. If within the limited time any recorded proprietor or any party interested not being a proprietor object to the registry, the Collector shall examine the person so objecting or his authorized agent, and if it shall appear to him that such person has probable ground of objection, shall suspend proceedings, and shall refer the parties to the Civil Court, otherwise he shall proceed as if no objection had been made. If the decision of the Civil Court be in favor of the applicant, the Collector, on the presentation of a copy of the final decree, shall proceed as above provided for cases in which no objection is made within the limited time.

Registration of leases of certain lands.

XLIII. Leases of lands of the description specified in the fourth exceptional class in Section XXXVII, may be registered, at the option of the holders, in the manner and under the rules hereinbefore provided for the registry of Talookdaree and other similar tenures.

Registration of old tenures.

XLIV. Tenures of the first and second exceptional classes in Section XXXVII may be registered, at the option of the holders; and when so registered shall be entered only in the

special register. Application for such registry shall contain the particulars specified in Section XL so far as the same are ascertainable, and notices shall be served and issued in the manner prescribed in Section XLI. If within the limited time no objection is made by any recorded proprietor or by any party interested not being a proprietor, the Collector shall make such inquiries as may be necessary to satisfy him as to the validity of the tenure; and if the result be to satisfy him that the tenure is valid, he shall report the case to the Commissioner, who, if also satisfied that the tenure is valid, shall direct it to be entered in the special register. Otherwise the application for registry shall be rejected. If within the limited time any recorded proprietor or other party as aforesaid object to the registry of the tenure, the Collector shall examine the person so objecting or his authorized agent, and if it shall appear to him that such person has probable ground of objection, shall suspend proceedings, and refer the parties to the Civil Court, otherwise he shall proceed as if no objection had been made. If the decision of the Civil Court be in favor of the applicant, the Collector, on the presentation of a copy of the final decree, shall proceed as above provided for cases in which no objection is made within the limited time. Provided always that nothing contained in this Section shall be understood as rendering registration necessary for the protection of *bonâ fide* tenures of the description herein referred to.

Proviso.

XLV. Application for registry of existing tenures and farms must be made within three years after the passing of this Act. Application for the registry of tenures created after the passing of this Act must be made within three months from the date of the deed constituting the tenure.

Time for application for registry of tenures and farms.

XLVI. The actual expenses of any measurement, survey, or local enquiry made under Sections XLII and XLIV of this Act, shall be borne by the party who applies for the registry of his tenure or farm; and such party may be required by the Collector from time to time to make such advances on this account as he may consider necessary.

Expenses of measurement, survey, or local enquiry.

XLVII. No Civil Court shall be competent to order the Revenue Authorities to enter any tenure or farm in the special register. Provided always that the refusal of the Revenue Authorities so to register any tenure or farm shall not affect the title of the holder, whatever it may be.

Civil Court not competent to order entry in the special register.

XLVIII. Subject to the general law of limitation, any person thinking himself wronged by the registry of a tenure or farm, may file a suit for the cancelment of the same.

Suit for the cancelment of the registry of a tenure or farm.

XLIX. In the execution of their functions in the registration of tenures and farms under this Act, all subordinate Revenue Authorities shall proceed in accordance with the general instructions which they may receive from the superior Revenue Authorities to whom they are subordiate, and from the local Government; and all orders passed under the Sections aforesaid shall be open to appeal in usual course. The order of a Commissioner for the special registry of a tenure under the provisions of this Act, shall be open at any time within one year from the date of registry to revision by the Board of Revenue, or the local Government, on the ground of the Government Revenue not having been sufficiently secured or of the invalidity of the tenure, as the case may be.

Proceedings of Revenue Authorities in the registration of tenures, &c.

L. Entry in the special register shall be an effectual protection of the tenure or farm so registered, unless in a suit instituted by Government in a Civil Court within the period allowed for suits for the recovery of the public revenue a decree be passed pronouncing the registration to have been obtained by fraud, to the injury of the Government revenue. Provided that a tenure or farm in the hands of a *bonâ fide* purchaser for value shall not be avoided by reason of such fraud. But the tenure or farm shall be liable to such amount of rent as would have been fair and equitable at the time of the special registry thereof, such amount to be fixed by the Collector.

Effect of entry in the special register.

LI. Tenures and farms of the third exceptional class described in Section XXXVII of this Act, for the special registration of which application shall be made within the prescribed time, and in respect of which the Collector shall have commenced the enquiry prescribed in Section XLII, shall, in case of the sale of the parent estate for arrears of revenue, be protected pending the duration of such enquiry, and shall be protected eventually by registration, if the final award of the Revenue Authorities, upon such application, be in favor of the claimant.

Protection of talookdaree tenures pending enquiry, in case of sale of parent estate for arrears of revenue.

LII. The purchaser of an estate in a district not permanently settled, sold under this Act for the recovery of arrears due on account of the same, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like settled or accredited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except leases of lands whereon dwelling houses, manufactories, or other permanent buildings have been erected, or whereon gardens, plantations, tanks, wells, canals, places of worship, or burning or burying grounds have been made, or wherein mines have been sunk, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing contained in this Section shall be construed to entitle any purchaser of land at a public sale for arrears of revenue to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid, than was demandable by the former proprietor, except in cases in which such persons may have held their lands under engagements, stipulating for a lower

Rights of a purchaser of an estate not permanently settled sold for its own arrears.

rate of rent than would have been justly demandble for the land, or in cases in which it may be proved that, according to the custom of the pergunnah, mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the regulations of Government.

Rights of a purchaser being a sharer in any estate.

LIII. Excepting shares in estates under lutwarrah who may have saved their shares from sale under Sections XXXIII and XXXIV Regulation XIX., 1814, and sharers whom the Collector, under Sections X and XI of this Act, has opened separate accounts; any recorded or unrecorded proprietor or co-partner, who may purchase the estate of which he is proprietor or co-partner; or who by re-purchase or otherwise may recover possession of the said estate, after it has been sold for arrears under this Act; and likewise any purchaser of an estate sold for arrears or demands other than those accruing upon itself; shall by such purchase acquire the estate subject to all its encumbrances existing at the time of sale, and shall not acquire any rights in respect to under-tenants or ryots, which were not possessed by the previous proprietor at the time of the sale of the said estate.

And of a purchaser of an estate not sold for its own arrears.

Rights of purchasers of shares of estate.

LIV. When a share or shares of an estate may be sold under the provisions of Section XIII or Section XIV, the purchaser shall acquire the share or shares subject to all encumbrances, and shall not acquire any rights which were not possessed by the previous owner or owners.

Recovery of arrears due to defaulters.

LV. Arrears of rent which on the latest day of payment may be due to the defaulter from his under-tenants or ryots, shall, in the event of a sale, be recoverable by him after the said latest day, by any process except distraint which might have been used by him for that purpose on or before the said latest day.

Punishment for contempt.

LVI. Any Collector or other Officer as aforesaid conducting a sale under this Act shall be competent to punish any contempt committed in his presence in open cutcherry or office for the time being, by fine, to an extent not exceeding two hundred Rupees, commutable, if not paid, to imprisonment in the Civil jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector or other officer as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

Default in making deposit to be considered a contempt.

LVII. A default to make good a bid by making the deposit required by Section XXII of this Act, shall be held to be contempt.

Government may purchase at a sale.

LVIII. When an estate is put up for sale under this Act for the recovery of arrears of revenue due thereon, if there be no bid, the Collector or other officer as aforesaid may purchase the estate on account of the Government for one Rupee, or if the highest bid be insufficient to cover the said arrears and those subsequently accruing up to the date of sale, the Collector or other officer as aforesaid may take or purchase the estate on account of the Government at the highest amount bid; in both which cases the Government shall acquire the property subject to the provisions of this Act.

Fees and charges demandable by Collector.

LIX. The Collector on the part of the Government shall be entitled to demand from applicants under Sections X and XI, Sections XV and XVI, and Sections XL, XLIII, and XLIV of this Act, fees not exceeding the rates specified in Schedule B to this Act annexed, which Schedule shall be taken as part of this Act; and applications under the said Sections shall not be received unless the said fees are tendered therewith.

Regulations VII. 1822 and IX 1825 to be in force in certain estates.

LX. The provisions of Regulation VII. 1822 and Regulation IX. 1825 shall be in force in every estate in any part of which a measurement, survey, or local enquiry may be made under this Act; and in every estate purchased or taken on account of Government under this Act.

Interpretation.

LXI. In the construction of this Act the word "Collector" shall include a Deputy Collector, or other officer exercising by the authority of Government the powers of a Collector or Deputy Collector.

Application and commencement of this Act.

LXII. The operation of this Act shall be confined to such parts of the Lower Provinces in the Presidency of Fort William in Bengal as are or shall be subject to the general regulations of that Presidency.

SCHEDULE A.

I certify that A. B. has purchased under Act No. XI of 1859 the mehal *(or share of a mehal)* specified below, standing in the towjee of the district of , and that his purchase took effect on the day of *(being the day after that fixed for last day of payment.)*

(Signed) D. E.
Collector.

SPECIFICATION.

(if of an entire Mehal.)

Towjee number
Name of Mehal
Name of the former proprietor
Sudder Jumma

(if of a share of a Mehal)

Towjee number of the entire Mehal
Name of the entire Mehal
Sudder Jumma of the entire Mehal
Description of the share sold
Subordinate Towjee number of the share sold
Name of the former proprietor of the share sold
Sudder Jumma for which the share sold is separately liable

SCHEDULE B.

FEES.

For filing an application under Section X or Section XI for opening a separate account for a share of an entire estate.

If the annual jumma of the share do not exceed Rs. 250 ... ... 25 0 0

If the annual jumma of the share exceed Rs. 250 and do not exceed Rs. 1000, at the rate of ten per cent. upon the jumma.

If the annual jumma of the share exceed Rs. 1,000, at the rate of ten per cent. upon Rs. 1,000, and two per cent upon all above that amount.

For filing an application for a deposit of money or Government Securities under Section XV, half per cent. on the amount deposited.

For any interest on Government Securities so deposited, drawn by the Collector, half per cent. of the amount drawn.

For filing an application for withdrawal of a deposit under Section XVI, half per cent. of the amount withdrawn.

For filing an application under Section XLI, XLII or XLIII, for the registration of under-tenure or farm.

If the annual rent of the under-tenure do not exceed Rs. 500 ... ... 25 0 0

If the annual rent of the under-tenure exceed Rs. 500 and do not exceed Rs. 1,000, at the rate of five per cent. upon the rent.

If the annual rent of the under-tenure exceed Rs. 1,000, at the above rate up to Rs. 1,000, and at one per cent. upon all above that amount.

W. MORGAN,
Clerk of the Council.

THE 30TH APRIL 1859.

THE following Bill was read a first and second time in the Legislative Council of India on the 30th April 1859, and referred to a Select Committee who are to report thereon within a month :—

A Bill to provide for the more speedy disposal of Appeals in cases appealable to the Sudder Court and of applications for Special Appeals.

Preamble. WHEREAS by reason of the large number of regular appeals preferred in the Sudder Courts of the Presidency of Fort William in Bengal, much delay occurs in the hearing and determination of such Appeals; and it is expedient that measures should be provided for the more speedy disposal of the same: and whereas it is also expedient that in cases of application for special appeal any order passed by a single Judge of either of the said Courts for the admission or the rejection of any such appeal should be final; It is enacted as follows :—

Appeals, in suits decided by Principal Sudder Ameens below Rupees 10,000, to lie to Zillah Judge.

I. In suits decided by Principal Sudder Ameens in any part of the said Presidency where the amount or value of the suit shall be less than ten thousand Rupees, the appeal shall lie to the Zillah Judge, and shall not lie to the Sudder Court, any thing in Section IV Act XXV of 1857 to the contrary notwithstanding.

Applications for special appeals to be heard by a single Judge of the Sudder Court.

II. All applications for special appeal, which are now pending in either of the said Sudder Courts, or which have been presented in any subordinate Court for transmission to the Sudder Court, and all such applications which may be hereafter presented under the provisions of Act XVI of 1853, may be heard, and on hearing may be either admitted or rejected by a single Judge of the Sudder Court, and the order passed by such Judge either for the admission or the rejection of the appeal shall be final, any thing in Clause 4 Section VIII of Act XVI of 1853 to the contrary notwithstanding. Provided always that, except under the circumstances and for the purpose described in Clause 1 of the said Section, no case shall be remanded to the Court which passed the decree by the order of a single Judge; but when such Judge shall make an order for remand, the case shall be dealt with in the manner provided in Clauses 4 and 5 of the said Section.

Proviso.

W. MORGAN,
Clerk of the Council.

THE 30TH APRIL 1859.

THE following Bill, as settled in Committee of the whole Council, was ordered to be published for general information, and to be re-considered after two months :—

A Bill for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter.

Preamble. WHEREAS, with a view to the more easy recovery of small debts and demands, it is expedient to establish Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter at the several Presidencies of Calcutta, Madras, and Bombay; It is enacted as follows :—

Constitution of Small Cause Courts.

I. It shall be lawful for the Executive Government of any of the said Presidencies or of any place, with the previous sanction of the Governor General in Council, to constitute Courts of Small Causes, with the required establishment of Officers, at any place within the limits of their respective Governments, for the trial of suits under this Act. Whenever any such Court may be so constituted,

Limits of territorial jurisdiction to be fixed.

the Executive Government shall fix the territorial jurisdiction of such Court, and may, from time to time, alter the same as may appear proper.

Description of suits cognizable by Small Cause Courts.

II. The following are the suits which shall be cognizable by Courts of Small Causes constituted under this Act, namely, claims for money due, whether on bond or other contract, or for rent, or for personal property, or for the value of such property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of five hundred Rupees.

Proviso.

Provided that no action shall lie in any such Court on a balance of partnership account, unless the balance

shall have been struck by the parties or their agents; or for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will; or for any claim for the rent of land or any other claim for which a suit may be brought before a Revenue Officer, if commenced in due time; or for the recovery of damages on account of alleged personal injuries, unless special damage of a pecuniary nature shall have resulted from such injury.

Jurisdiction of the Courts.

III. Every Court of Small Causes constituted under this Act shall have cognizance of all such suits as are mentioned in the last preceding Section, if the cause of action shall have arisen or the defendant at the time of the commencement of the suit shall dwell or personally work for gain within the local limits of the jurisdiction of such Court.

Seal of the Court.

Court to be generally subject to the Zillah Judge and Sudder Court.

IV. Every Court constituted under this Act shall use a seal, bearing the following inscription in English and in the language of the Court—"Court of Small Causes of ;" and every such Court shall be subject to the general control and orders of the Judge of the District and of the Sudder Court.

Suits for an amount exceeding 20 Rupees to be cognizable only by a Small Cause Court, where such a Court is established.

V. Whenever a Court of Small Causes is constituted under this Act, all suits cognizable under the provisions of this Act, for any amount exceeding twenty Rupees which shall arise within the limits of the jurisdiction of such Court, shall be heard and determined in such Court and shall not be cognizable in any other Court.

Saving of jurisdiction of Magistrates, &c.

of Village Moonsiffs and Village or District Punchayets in Madras.

of Military Courts of Request—

of single Officers appointed to try small suits in Madras and Bombay.

and of Military Punchayets in Madras.

VI. Nothing in this Act shall be held to take away the jurisdiction which a Magistrate, or a person exercising the powers of a Magistrate, or an Assistant or a Deputy Magistrate, can now exercise in regard to debts or other claims of a Civil nature; or the jurisdiction which can be exercised by Village Moonsiffs or Village or District Punchayets under the provisions of the Madras Code, or by Military Courts of Request, or by Cantonment Joint Magistrates invested with Civil jurisdiction under Act III of 1859, or by a single Officer duly authorized and appointed under the rules in force in the Presidencies of Fort St. George and Bombay respectively, for the trial of small suits in Military Bazars, in Cantonments, and Stations occupied by the troops of those Presidencies respectively, or by Punchayets in regard to suits against Military persons, according to the rules in force under the Presidency of Fort St. George.

Courts where to be held.

VII. Courts of Small Causes constituted under this Act shall be held at such place or places within the local limits of their respective jurisdictions as shall from time to time be appointed by the local Government to which such Courts are subordinate.

Time of holding Courts, if they be directed to be held in more places than one.

VIII. Whenever any such Court is directed to be held at more places than one within the local limits of its jurisdiction, the Judge of such Court, subject to the control of the Judge of the District, shall appoint the time at which the Court shall hold its sittings in every such place. Due notice of the time so appointed shall be given by a proclamation to be fixed up in some conspicuous place in the Court-house or other building in which the sittings of the Court are to be held.

Procedure.

Proviso.

IX. The procedure to be observed in the trial of cases cognizable under this Act, shall be that prescribed in Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)*, in so far as the same may be applicable and necessary. Provided that in all suits under this Act the summons to the defendant shall be for the final disposal of the suit, and provided also that, at the time of passing a decree under this Act, the Court may on the verbal application of the party in whose favor the decree is passed direct immediate execution of the same by the issue of a warrant directed either generally against the personal property of the judgment debtor wherever it may be found within the local limits of the Court's jurisdiction, or specially against any personal property belonging to the judgment debtor within the same limits which may be indicated by the judgment creditor.

Execution against immoveable property, if moveable property not sufficient.

X. In the execution of a decree under this Act, if, after the sale of the moveable property of a judgment debtor, any portion of a judgment shall remain due and the holder of such judgment desire to issue execution upon any immoveable property belonging to the judgment debtor, the Court, on the application of such judgment creditor, shall grant him a copy of the judgment and a certificate of any sum remaining due under it, and on the presentation of such copy and certificate to any Civil Court having general jurisdiction in which the immoveable property of the judgment debtor is situate, such Court shall proceed to enforce such judgment according to its own rules and mode of procedure in like cases.

Decision in certain suits to be final.

Proviso.

XI. In suits tried under this Act, all decisions and orders of the Court shall be final. Provided that it shall be competent to the Court, if it shall think fit, to grant a new trial if applied for within the period of thirty days from the date of the decision.

Court may refer questions of law &c. to Sudder Court.

XII. If in the trial of any suit under this Act any question of law or usage having the force of law or the construction of a document affecting the merits of the decision shall arise, on which the Court may entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case and submit it, with its own opinion, for the decision of the Sudder Court.

XIII. The Court may proceed in the case, notwithstanding a reference to the Sudder Court, and may pass a decree contingent upon the opinion of the Sudder Court on the point referred; but no execution shall be issued in any case in which a reference may be made to the Sudder Court, until the receipt of the order of that Court.

Court may pass decree contingent upon the opinion of the Sudder Court, pending which execution not to issue.

XIV. Cases referred for the opinion of the Sudder Court shall be dealt with by a full bench of that Court.

Full bench of the Sudder Court to decide cases referred under this Act.

XV. The Sudder Court shall fix an early day for the hearing of the case, and shall notify the same by a proclamation to be fixed up in the Court-house of that Court.

Sudder Court to fix an early day for the hearing of the case. Proclamation thereof.

XVI. The parties to the case may appear and be heard in the Sudder Court in person or by pleader.

Parties may appear and be heard in person or by pleader.

XVII. The Sudder Court, when it has heard and considered the case, shall transmit a copy of its judgment, under the seal of the Court and the signature of the Register, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the Sudder Court.

Decision of Sudder Court how to be transmitted.

XVIII. Costs, if any, consequent on the reference of a case for the opinion of the Sudder Court shall be costs in the suit.

Costs of reference to Sudder Court.

XIX. No appeal shall lie from a decree of any existing Court subordinate to a District Court in any suit of the description contained in Section II, when the debt, damage, or demand shall not exceed twenty Rupees, but every such decree shall be final. Provided that the provisions of Section IX and the proviso in Section XI shall be applicable to every suit in which the decree is by this Section made final.

No appeal from decision of any existing Court subordinate to a District Court in suits below 20 Rupees.

Proviso.

XX. No special appeal shall lie from any decision or order passed on regular appeal by any Court subordinate to the Sudder Court in any suit of the nature described in Section II, when the debt, damage, or demand for which the original suit shall be instituted shall not exceed five hundred Rupees. But every such order or decision shall be final.

No special appeal from decision of any Court subordinate to the Sudder Court in suits below 500 Rupees.

XXI. In every case in which a decree or decision is by the two last preceding Sections made final, the Court passing the final decree or decision shall have the same power to draw up a statement of the case for the opinion of the Sudder Court as is hereby vested in a Court of Small Causes, and all the provisions of this Act relative to statements drawn up by Courts of Small Causes shall be applicable to statements drawn up under the provisions of this Section.

Reference of questions to Sudder Court under two last preceding Sections.

W. MORGAN,
Clerk of the Council.

Home Department.

No. 958.

Fort William, the 16th April, 1859.

Notification.—The Governor General in Council is pleased to make the following temporary appointments:—

Mr. T. Hill to officiate as First Assistant Master Attendant.

Mr. D. Tapley to officiate as Second Assistant Master Attendant.

Mr. W. T. Llewelyn to officiate as Third Assistant Master Attendant.

No. 959.

The 10th May 1859.

Mr. J. Power, of the Civil Service, reported his departure for England by the Steam-ship *Simlah*, which Vessel was left by the Pilot at Sea on the 6th instant.

No. 960.

The Reverend F. W. Ellis, Chaplain, reported his return from leave to England, on Medical Certificate, on the 28th ultimo, by the P. and O. Company's Steamer *Candia*. The unexpired portion of his leave is cancelled.

No. 964.

In the exercise of the powers vested in him by the 23rd Section of the Act XVI and XVII Victoria, Cap. 95, His Excellency the Right Hon'ble the Viceroy and Governor General has been pleased to appoint the Honorable Barnes Peacock to be Vice President of the Council of India for making Laws and Regulations.

No. 965.

His Excellency the Governor General in Council has appointed the under-mentioned gentlemen to be Members of the Senate of the University of Calcutta:—

The Hon'ble Sir Mordaunt Wells, Kt., a Judge of the Supreme Court of Judicature in Bengal.

Major G. T. Chesney, of the Engineers, and Officiating Principal of the Civil Engineering College in Calcutta.

Mr. W. Theobald, Barrister at Law.

Mr. J. Newmarch, Barrister at Law.

W. GREY,
Secy. to the Govt. of India.

Foreign Department.

No. 2549.

Fort William, the 10th May 1859.

The Governor General in Council is pleased to make the following promotions in the Oudh Military Police:—

Lieutenant Rawlins, Divisional Adjutant, to be Officiating District Commandant, *vice* Lieutenant Baker, absent on Sick leave to Europe.

Lieutenant Woodcock, District Adjutant, to be Officiating Divisional Adjutant, *vice* Lieutenant Rawlins.

Lieutenant Cragg to be Officiating District Adjutant, *vice* Lieutenant Woodcock.

No. 2550.

Captain F. A. V. Thurburn is appointed to Officiate as Deputy Commissioner of Mohumdee, Oudh.

No. 2551.

The Governor General in Council is pleased to accept the resignation by Captain M. R. Bruce, 2nd Regiment Bombay Native Light Infantry, of his appointment as Second in Command of the Meena Corps, at Deolee, and to place his services at the disposal of the Bombay Government.

No. 2552.

The services of Lieutenant Dangerfield, Officiating Deputy Commissioner of Tounghoo, are hereby paced at the disposal of the Madras Government, at his own request.

No. 2553.

Lieutenant A. F. Danvers, doing duty with the 1st Punjab Cavalry, is appointed to officiate as District Commandant in the Oudh Military Police, *vice* Lieutenant Manson, proceeded on Sick leave.

No. 2554.

Lieutenant A. Soppitt, 10th Regiment Bombay Native Infantry, joined his appointment as District Adjutant, Oudh Military Police, on the 24th ultimo.

No. 2555.

Major A. L. McMullin, Officiating Commandant of the Bhopal Levy, assumed charge of his office, from Captain W. G. Cumming, on the 25th ultimo.

No. 2556.

The G. O. G. G. No. 1005, dated 2nd April 1859, appointing Lieutenant W. F. Edwards, of the 45th Bengal Native Infantry, to be Second *in Command of the Malwa Bheel* Corps, is cancelled, and Lieutenant Edwards is appointed to officiate from the above date as Second in Command of that Corps until further orders.

No. 2557.

The services of Assistant Surgeon J. Fayrer, M. D., late Civil Surgeon of Lucknow, are placed temporarily at the disposal of the Government of Bengal.

No. 2558.

His Excellency the Governor General in Council is pleased to recognize the appointment of Senor Laurence Auguste DeSouza, as Consul General at Calcutta for His Majesty the King of Portugal.

No. 2559.

Major T. P. Sparks is appointed to be a Marriage Registrar for the Town and District of Rangoon, under Act V. of 1852.

No. 2560.

Subject to the approbation of Her Majesty, the Right Hon'ble the Viceroy and Governor General of India in Council has been pleased to appoint the Hon'ble Robert Montgomery to be Lieutenant-*Governor of the Punjab and its Dependencies*, from the 1st instant, on which date Sir John Lawrence, Baronet, G. C. B., resigned the Service.

No. 2561.

The Right Hon'ble the Viceroy and Governor General of India in Council is pleased to appoint Mr. C. J. Wingfield to be Chief Commissioner of the Province of Oudh, from the 1st instant, *vice* the Hon'ble Robert Montgomery, appointed to be Lieutenant-Governor of the Punjab.

CECIL BEADON,
Secy. to the Govt. of India.

Financial Department.

No. 34 of 1859.

Fort William, 30th April 1859.

Notifications.—Referring to paragraph 16 of the Notification of this Department, No. 14, dated the 21st February last, it is hereby notified, that from and after the 1st of May next, the Sub-Treasurers at Calcutta, Madras and Bombay, the several Residents at Native Courts, the several Collectors of Land Revenue under the several Presidencies, and the Officers in charge of District Treasuries in the Territories immediately subordinate to the Government of India, will be authorized to receive money for the purchase of Treasury Bills, payable to Order, and bearing Interest at the rate of two-and-a-half Pie a day, for every one hundred Rupees.

2. On money being paid into their Treasuries, the said Sub-Treasurers and Officers aforesaid will issue Loan Certificates in the usual manner, which Certificates will be exchanged at the Offices of the Accountants General at the several Presidencies for Treasury Bills, as soon as possible.

The Loan Certificates will be issued in the following form :—

LOAN ACKNOWLEDGMENT.

No.

Calcutta (Madras or Bombay, as the case may be) General Treasury,

The

I hereby acknowledge that has this day paid into the Treasury at the sum of Company's Rupees , for which he is entitled to receive a Treasury Bill bearing Interest from the date of this Acknowledgment, of the tenor, and subject to the condition specified in Form No. (1 or 2 as the case may be) set forth in the Advertisement published in the Calcutta Gazette Extraordinary of the 30th of April 1859.

Company's Rupees

Sub-Treasurer.

The Treasury Bills will be issued, at the option of the subscriber, in either of the two following Forms, subject to the conditions specified therein :—

No. 1.

TREASURY BILL, BENGAL, (MADRAS OR BOMBAY, AS THE CASE MAY BE.)

The Governor General of India in Council does hereby acknowledge to have received from on this day of 18 *the sum of Company's Rupees, as a Loan to the Secretary of State in Council of India, and does hereby, on behalf of the said Secretary of State in Council, promise to pay the said sum, together with any Interest that may be due thereon, at the rate of two-and-a-half Pies a day for every hundred Rupees to the said or his Executors or Administrators, or to his or their Order, at the General Treasury in Calcutta, (Madras or Bombay, as the case may be) on demand, at any time after the expiration of one year from the date hereof, and also in the mean time to pay Interest on the said sum at the rate aforesaid, half-yearly, at the said General Treasury, provided that the said sum shall be liable to be paid off at the option of the Governor General in Council at any time after the expiration of one year from the date hereof, upon notice being given in the Calcutta Gazette, at least three Calendar months before the time fixed for the proposed payment, after which time all further Interest will cease. After the expiration of one year from the date hereof, this Bill will be receivable for the amount of the Principal, and any Interest due thereon, in payment of Government Revenue at any Treasury in Bengal, the North-Western Provinces, Nagpore, Oude or the Punjab, (the Madras or Bombay Presidency, as the case may be,) or in subscriptions to any Loan that may be generally open, as well as in payment of any demand of Government, payable at the said General Treasury, or payable in Bengal, the North-Western Provinces, Nagpore, Oude or the Punjab, (to the Government of Madras, or to the Government of Bombay as the case may be,) on Account of Salt, Opium or Customs.*

No. dated the 1859.

No. 2.

TREASURY BILL, BENGAL, (MADRAS OR BOMBAY AS THE CASE MAY BE.)

The Governor General of India in Council does hereby acknowledge to have received from on this day of 18 *, the sum of Company's Rupees, as a Loan to the Secretary of State in Council of India, for which Interest shall be paid to the said or his Executors or Administrators, or to his or their Order, half-yearly, at the rate of two-and-a-half Pie per day for every one hundred Rupees.*

The said sum shall be liable to be paid off, at the option of the Governor General of India in Council, at any time after the expiration of one year from the date of this Bill, upon notice being given in the Calcutta Gazette at least three Calendar months before the time fixed for the proposed payment, after which time all further Interest will cease. It shall be at the option of the lawful holder of this Note to obtain payment thereof three months after sight, by presenting the same at the Office of the Accountant General in Calcutta (Madras or Bombay, as the case may be) and obtaining a Memorandum in writing on the Note, signed by the Accountant General, or some other Officer duly authorized on that behalf, acknowledging the presentment and the date thereof, which acknowledgment shall be given on presentment. In case of presentment, as aforesaid, the Principal sum of Rupees will be payable at the General Treasury in Calcutta (Madras or Bombay, as the case may be) at any time after the expiration of three months from the date of such acknowledgment, together with Interest at the rate aforesaid up to the expiration of the period of three months, but all Interest shall cease from the expiration of that period.

No. *dated the* 18 .

Loan Acknowledgments issued from the Treasuries in the Presidencies of Madras and Bombay will be exchanged for Treasury Bills at the Offices of the Accountants General of those Presidencies respectively: Loan Acknowledgments issued from Treasuries in Bengal, the North-Western Provinces, Nagpore, Oude and the Punjab, will be exchanged for Treasury Bills at the Office of the Accountant General to the Government of India at Calcutta: Loan Acknowledgments issued by Residents at Native Courts, and Officers in charge of District Treasuries in Territories other than the above, immediately subordinate to the Government of India, will be exchanged for Treasury Bills at the Office of the Accountant General of the nearest Presidency.

The Bills will be issued in sums of Rupees 200, Rupees 500, Rupees 1,000, Rupees 5,000 and Rupees 10,000.

The Bills issued by the Accountant General to the Government of India will be signed by the Secretary to the Government of India in the Financial Department. Those issued by the Accountants General at Bombay and Madras, by the Chief Secretaries to those Governments respectively.

Published by Order of His Excellency the Right Hon'ble the Governor General of India in Council.

C. HUGH LUSHINGTON,
Secretary to the Government of India.

Military Department.

Fort William, the 9th May 1859.

No. 637 *of* 1859.—The following Notifications, from the Foreign Department, are published in General Orders:—

No. 2373, *dated 29th April* 1859.—Lieutenants Badgely and Drake are appointed to do duty with the Oudh Military Police, the former from the 26th November and the latter from the 18th December last.

No. 2376.—With reference to General Order dated 16th ultimo, No. 1149, Captain Elliot, Deputy Commissioner of Nagpore, has obtained a further extension of leave to the 14th instant, the date on which he resumed charge of the Raepore District from Mr. J. H. Master.

No. 2377, *dated 2nd May* 1859.—The services of Lieutenant E.L. Ommaney, 59th Native Infantry, Assistant Commissioner in Pegu and late in charge of the Delhi State Prisoners, are re-placed at the disposal of the Government of the Punjaub and its Dependencies.

No. 638 *of* 1859.—The following Notification, from the Financial Department, is published in General Orders:—

No. 33.

The 29th April 1859.

Read again the following papers on the subject of the Deputation Allowance receivable by Covenanted Officers, Civil or Military, acting for Uncovenated Officers and *vice versâ*:—

Order contained in the Financial Resolution, No. 5701, dated 8th October 1858.

Paragraph 4 of Financial Resolution, No. 1431, dated 11th February 1859.

Read the under-mentioned papers on the same subject:—

Letter from Civil Auditor, Fort William, No. 985, dated 4th instant.

Letter from the Punjab Civil Auditor, No. [illegible], dated 23rd ultimo.

RESOLUTION.—His Excellency the Governor General in Council is pleased to pass, experimentally for one year, the following Rules in respect to the Deputation Allowance receivable by the Officers mentioned below:—

When Covenanted Officers, Civil or Military, officiate for Uncovenanted Officers and when Uncovenanted Officers act for Covenanted Officers, Civil or Military, the Deputation Allowance in such cases will be regulated according to the principle laid down in Chapter VI., Sections 25, 26 and 27 of the Covenanted Civil Absentee Rules, it being understood, however, that Section 27 shall not apply to Ministerial Officers acting for Covenanted Officers, who are entitled to acting allowance from the date they commence to officiate, and not after the expiration of one month, as in the case of other Uncovenanted Officers of superior grade.

When an Officer of the Uncovenanted Service acts for another of the same Service or when a Military Officer acts for another Military Officer he shall be governed by the Rules of the respective Services to which he belongs.

In passing the foregoing Rules, the Governor General in Council directs that the Audit Offices in the several Presidencies and Governments should submit, at the expiration of the experimental year for which the Rules are sanctioned, a Return showing in juxta-position the amount forfeited by

the Absentees of the Military (so far as it is concerned with the Civil Department) and Uncovenanted Services, as well as that defrayed in the remuneration of their Substitutes in the same manner as is done at present, with regard to the forfeited Salary and the Deputation Allowance of Covenanted Civil Servants.

ORDER.—Ordered, that a copy of the foregoing Resolution be sent to the Civil Auditors, Fort William, Fort St. George, Bombay and North-Western Provinces, for information and guidance, and to the Punjab Civil Auditor, in reply to his reference above adverted to.

ORDERED further, that a transcript of the Resolution be published in the *Official Gazette* for general information.

No. 639 *of* 1859.—The following Notifications, issued by the Hon'ble the Lieutenant-Governor, Punjab, are published in General Orders :—

PUBLIC WORKS DEPARTMENT.—*Nos.* 766-67, *dated* 12*th April* 1859.—*Appointment.*—Lieutenant A. C. Paddy, Probationary Assistant Engineer, Public Works Department, is posted to the 2nd Division of the Baree Doab Canal.

No. 930, *dated* 20*th April* 1859.—*Leave.*—Lieutenant N. W. Elphinstone, Officiating Deputy Commissioner of Googaira, has obtained eight weeks' leave of absence, from the date on which he may avail himself thereof, preparatory to applying for fifteen months' Furlough to Europe, on Medical Certificate, under the new Rules.

No. 640 *of* 1859.—The following Notifications, issued by the Hon'ble the Lieutenant-Governor of Bengal, are published in General Orders :—

The 21*st April* 1859.—Lieutenant G. J. Reeves, to be Commandant of the 2nd Bengal Police Battalion, but to continue in charge of the Irregular Cavalry at Chota Nagpore until further orders.

The 23*rd April* 1859.—Lieutenant C. J. D. Arbuthnot to be Second in Command of the 4th Bengal Police Battalion, but to continue for the present in Command of the Shahabad European Mounted Police.

Lieutenant William Parry Davies, of the Bengal Yeomanry Cavalry, to be Second in Command and Officiating Adjutant of the 10th Bengal Police Battalion.

The 25*th April* 1859.—Brevet Major C. Douglas to officiate as Professor of Natural Philosophy and Astronomy in the Presidency College.

No. 641 *of* 1859.—Assistant Surgeon George Nicholas Cheek, of the Medical Department, Civil, Bancoorah, is permitted to proceed to Sea, on Medical Certificate, and to be absent from Bengal on that account for three months, under the new Regulations.

No. 642 *of* 1859.—The leave of absence to visit Bombay, for three months, on private affairs, granted to Lieutenant C. L. Richardson, of the 58th Native Infantry, Officiating Sub-Assistant Commissary General, in Government General Order No. 358, of the 18th March 1859, is to be held to have effect from the 4th March 1859.

No. 643 *of* 1859.—The leave of absence, to visit Bombay, preparatory to obtaining Sick leave to Europe, granted to Captain H. D. Twysden, of the 33rd Native Infantry, in Government General Order No. 1609, of the 30th November 1858, is extended to the 16th March 1859, the date on which that Officer embarked for Europe.

No. 644 *of* 1859.—*Erratum.*—In Government General Order No. 316, of the 10th March 1859, granting certain rewards to the men of Alexander's Horse, for Sowar "Kurtab" Sing, read Sowar Purtab Singh. Order Books to be corrected accordingly.

No. 645 *of* 1859.—His Excellency the Governor General in Council is pleased to confer the following rewards on the under-mentioned Native Officers, with effect from the 3rd November 1858, in consideration of their conspicuous gallantry and distinguished conduct at the Capture of Rampore Kussiah :—

1st Punjaub Cavalry.

Naib Ressaldar Meer Allum Khan ...	3rd Class Order of Merit.
Jemadar Ram Sing, promoted from 3rd to ...	2nd Class Order of Merit.
Duffadar Hurree Singh ...	3rd Class Order of Merit.

9th Regiment Punjaub Infantry.

Subadar Futteh Singh ...	3rd Class Order of Merit.
Subadar Ghunnee Khan ...	
Jemadar Bhola Singh ...	

No. 646 *of* 1859.—Rank is assigned to the under-mentioned Assistant Surgeons, from the date specified :—

Medical Department.

Assistant Surgeon	William Edward Allen, not (arrived) ...	10th February 1859.
,,	,,	Alexander Carroll Maingay, M. D., (not arrived) ...	
,,	,,	Rivers Mantell, M. B., (not arrived) ...	
,,	,,	William John Thomson, (not arrived) ...	
,,	,,	Edwin Clement Bensley, (not arrived) ...	
,,	,,	James Fawcus, M. D. ...	
,,	,,	George Bremner, M. D., (not arrived) ...	
,,	,,	Thomas William Sheppard, (not arrived) ...	
,,	,,	John Ellis, M. B., (not arrived) ...	
,,	,,	Edrie Selons ...	
,,	,,	Charles Peter Costello, (not arrived) ...	
,,	,,	James John Durant, (not arrived) ...	
,,	,,	Ferdinand Odevaine ...	
,,	,,	Robert Rhind, (not arrived) ...	
,,	,,	George Grant, M. B., (not arrived) ...	
,,	,,	William Nichol, M. D., (not arrived) ...	
,,	,,	George Cochet Chesnaye, (not arrived) ...	
,,	,,	John Duncan, M. D., (not arrived) ...	

Assistant Surgeon	Edward Ord Tandy, (not arrived) ...	10th February 1859.
,,	,, James Robert Purefoy, M. D., (not arrived) ...	
,,	,, Francis Parsons, (not arrived) ...	
,,	,, Henry Seymour Smith, M. D., (not arrived) ...	
,,	,, Frederick George Constant, M. D. ...	
,,	,, James Hunt Condon, (not arrived) ...	
,,	,, William Roe Hooper, (not arrived) ...	
,,	,, Mark Henry Lackersteen, (not arrived) ...	

No. 647 *of* 1859.—The following Orders issued by the Resident at Hyderabad, are confirmed :—

No. 77, *dated* 20*th April* 1859.—Confirming the Station Order by Captain Woodcock, Commanding at Ellichpoor, dated 14th April 1859, directing Lieutenant Watson, 5th Infantry, Hyderabad Contingent, to assume Command temporarily of the 2nd Company Artillery, Hyderabad Contingent, until the arrival of Lieutenant Henchy, consequent on the departure of Lieutenant Strutt, Commanding 2nd Company Artillery, Hyderabad Contingent, on leave to Bombay.

No. 78.—Confirming the Station Order by Captain Prescott, Commanding at Ellichpoor, dated 21st March 1859, directing Assistant Surgeon Boggs, 5th Infantry, to assume Medical charge of the Left Wing 4th Cavalry, Hyderabad Contingent, 2nd Company Artillery, Hyderabad Contingent from that date.

No. 648 *of* 1859.—The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick Certificate :—

Lieutenant John James Eagar, of the 52nd Regiment Madras Native Infantry	For eighteen months, under the new Regulations.

No. 649 *of* 1859.—The under-mentioned Officers have returned to their duty on this Establishment, without prejudice to their rank :—

	Date of Arrival at Fort William.
Lieutenant Hungerford Deedes Jackson, of the Regiment of Artillery ...	30th April 1859.
Lieutenant Archibald Logan Douglas, of the 2nd European Bengal Fusiliers ...	

No. 650 *of* 1859.—Her Majesty has been pleased to appoint the under-mentioned gentleman to be a Cadet for the Infantry of Her Majesty's Indian Military Forces at the Presidency of Bengal. He is accordingly admitted into the Service, and promoted to the rank of Ensign, from the date assigned to him in Government General Order No. 400, of the 25th March last :—

	Date of Arrival at Fort William.
Infantry.	
Mr. David Adamson ...	3rd May 1859.

Fort William, the 10*th May* 1859.

No. 651 *of* 1859.—With reference to General Order by the President in Council, No. 1009, of 30th June 1858, it is announced that the services of an "Agent for Sick and Wounded Officers" being no longer found necessary, the appointment will be abolished from the 1st proximo.

No. 652 *of* 1859.—The following Notification from the Foreign Department, is published in General Orders ;—

No. 2297, *dated* 30*th April* 1859.—The Right Hon'ble the Governor General is pleased to make the following appointments :—

Colonel Sir Richmond Shakespear, Knight, to be Agent to the Governor General for Central India.

Major W. F. Eden, 1st Madras Native Infantry, to be Political Agent in Meywar.

Major R. L. Taylor, 18th Bombay Native Infantry, to be Political Agent at Jeypore.

Major R. Morrieson, 52nd Native Infanty, to be Political Agent at Harowtee.

Captain J. P. Nixon, 25th Bombay Native Infantry, to be Political Agent at Joudhpore.

Major P. A. P. Bouverie, 35th Native Infantry, to be Political Agent at Bhurtpore.

Captain A. R. E. Hutchinson, 13th Native Infantry, to be Political Agent at Bhopal.

No. 653 *of* 1859.—The following Notifications, issued by the Government, North-Western Provinces, are published in General Orders :—

No. 1375, *Allahabad, the* 19*th April* 1859.—*Appointment.*—Assistant Surgeon James Wise, M. D., is appointed, as a temporary measure, to the Medical charge of the Civil Station of Muttra, with effect from the 4th instant.

No. 1521, *Allahabad, the* 28*th April* 1859.—*Leave of Absence.*—Assistant Surgeon G. R. Pemberton, M. D., Civil Assistant Surgeon of Mirzapore, for two weeks, under the Rules applicable to Military Officers in Staff employ, from the 15th May next, or from such date as he may avail himself of it, preparatory to applying for leave to England, on private affairs.

No. 654 *of* 1859.—The following Notifications, from the Public Works Department, are published in General Orders :—

No. 91, *the* 21*st April* 1859.—*Appointment.*—Captain R. D. Dansey, of the 3rd Madras European Regiment, formerly belonging to the Department of Public Works, Madras, is appointed a Special Assistant Engineer in the Public Works Department, and posted to the Gwalior Division, with effect from the date on which he joined his appointment.

No. 100, *dated* 30*th April* 1859.—*Leave of Absence.*—Lieutenant Colonel J. Laughton, of Engineers, Department of Public Works, is allowed six months' leave of absence, on Medical Certificate from the 14th instant, to proceed to Simla and the Hills North of Deyrah. The eight weeks' indulgence leave granted to Colonel Laughton by Notification, No. 47, dated 5th ultimo, is cancelled.

No. 102.—By the Notification in the Public Works Department, No. 117, dated 17th June 1856 (Public Works Code, Chapter 1, Paragraph 4) the Military Allowances of Commissioned, Warrant, and Non-Commissioned Officers, and of Soldiers employed in the Public Works Department, are chargeable to that Department, the pay proper only being chargeable to the Military Department, although both were drawn from the Military Pay Offices under the audit of the Military Auditor General.

2. The Right Hon'ble the Governor General in Council is now pleased to direct that the Military Allowances of Officers and Soldiers employed in the Public Works Department shall be drawn in the same bills with their Staff salaries, subject to the audit of the Chief Engineers under whom they may be serving. The pay proper only will be drawn from the Military Pay Offices under audit of the Military Auditor General.

3. The operation of this Notification will commence with (and include) the Military allowances for May 1859.

4. This Regulation is applicable to the three Presidencies of India.

No. 655 *of* 1859.—The services of Assistant Surgeon G. Bidie, M. B., attached to the 1st Infantry, Hyderabad Contingent, are placed at the disposal of the Government of Fort St. George, for another appointment.

No. 656 *of* 1859.—His Excellency the Governor General in Council is pleased to direct the publication of the following letter from the Deputy Adjutant General of the Army, No. 99, of the 8th ultimo, with enclosures, reporting the successful operations of Lieutenant-Colonel F. Hannay, against the Meyong Clan of the Abors.

His Excellency in Council concurs with the Commander-in-Chief in the approbation expressed by His Lordship regarding these operations:—

No. 99.

From the Dety. Adjt. Genl. of the Army,

To the Secretary to the Govt. of India,
Military Department.

Sir,

I am directed by the Commander-in-Chief to transmit for the information of His Excellency the Governor General in Council, a letter dated 11th ultimo, No. 107, from Colonel F. Jenkins, Agent to the Governor General and Commanding Troops North-Eastern Frontier, enclosing a Report from Lieutenant-Colonel F. Hannay, of his recent successful operations against the Meyong Clan of the Abors.

Lord Clyde desires to express his approbation of the manner in which these operations were conducted, and of the gallantry of those engaged in them, but especially of the Detachment Indian Naval Brigade under Lieutenant Lewis.

I have, &c.,

(Signed) H. W. Norman, *Major*,
Deputy Adjutant General of the Army.

Delhi,
The 8th April 1859.

No. 107 of 1859.

From Colonel F. Jenkins,
Agent, Govr.-Genl. & Comdg. N. E. Frontier,
To Major Ross,
Assistant Adjutant General of the Army,
Head-Quarters, Barrackpore.
Dated Gowhatty, the 11th March 1859.

Sir,

I have the honor to submit for transmission to the Right Hon'ble the Commander-in-Chief, in original, a letter No. 41, of the 28th ultimo, from Lieutenant-Colonel Hannay, accompanied by a Sketch Map and six enclosures, reporting the complete success of the Detachment under his Command in carrying by assault on the 27th ultimo the strong stockaded position of the confederated Meyong Clans of Abors and the destruction of two of their villages.

2. I have pleasure in drawing notice to the high satisfaction expressed by Colonel Hannay at the conduct of the whole of the Troops under his Command, and particularly with the gallant manner in which the attack was led by the Naval Brigade, under the Command of Lieutenant Lewis, of the Indian Navy.

I have, &c.,

(Signed) F. Jenkins, *Colonel,*
Agent, Governor General and
Commanding N. E. Frontier.

Forwarded to the Adjutant General of the Army, for submission to the Right Hon'ble the Commander-in-Chief by His Excellency's obedient servant,

J. B. Hearsey, *Major General,*
Commanding Presidency Division.

Barrackpore,
The 22nd March 1859.

No. 41.

From Lieutenant-Colonel S. F. Hannay,
Commanding 1st Assam Light Infantry
Battalion, and Expedition to Abor Hills,

To Colonel F. Jenkins,
Agent, Governor General and Commanding
Troops Assam, Gowhatty.
Passee Ghat,
Monday, 28th February 1859.

Sir,

In continuation of my letter No. 40, of the 19th instant, I have the honor to acquaint you, that the expedition under my Command reached the vicinity of Passee Ghat on Saturday, the 26th instant, and on Sunday morning, the 27th instant, I proceeded from that point, with a party as per margin, to the attack of Passee and the adjoining Meyong Abor Village of Rong Khong, which was effectually carried out, and those two positions taken and completely destroyed by 4 P. M., when I returned to the Camp established at Passee Ghat.

Europeans— I. N.
60 Men.
3 Officers.
1 Assistant Surgeon.
Assam Local Artillery.
35 Men.
1 European Officer.
2-12 pounder Howitzers.
2 Mortars.
1st Assam L. I. Battalion.
160 Rank and File.
1 European Officer.
1 European Non-Comd. Officer.
150 Auxiliaries,
Khamphees, Singphoos & Doomeas.

2. I beg to state that the resistance made by the Abors to our advance was most obstinate and determined which they were enabled to do, from their thorough knowledge of the ground, their peculiar skill as marksmen and their formidable barricades and stockades, eleven in number, from the river bank, nine of which the enemy defended, and in three instances it was necessary to use a 12-pounder Howitzer Gun, to open a way for the assault.

3. The enclosed list of Killed and Wounded (Europeans and Natives) will show that we had to contend against a formidable enemy, armed with a powerful weapon in skilful hands; the strong nature of the defences keeping the attacking party unavoidably exposed, not only to the fire from the front but from both flanks, and from trees and heights occupied by

the enemy. However all went down before the gallantry of the Troops. The village of Rong Khong and three strong positions were carried at the point of the bayonet by our gallant band of Europeans, Indian Navy, and the Advanced Guard under Lieutenants Lewis and Davies, with Mr. Midshipman Mayo. The position of Passee was taken by Major Reid and myself, the main body of Native Troops, with the Local Artillery and a 12-pounder Howitzer Gun.

4. In such jungle positions and with the prevailing practice of carrying off their wounded, the loss of the enemy cannot be ascertained, but they must have suffered considerably, particularly in the defences of Rong Khong where the conflict was hand to hand One body was found at Rong Khong and the traces of blood from the different positions they held, to the villages, afforded proofs of their having suffered.

5. I beg leave to express my utmost satisfaction with the conduct of the Troops engaged, European and Native. I would especially notice for your information, and that of the Right Hon'ble the Commander-in-Chief, the very gallant conduct of the Indian Naval Brigade, under Lieutenant Lewis, Indian Navy, with Lieutenant Davies and Mr. Midshipman Mayo, Indian Navy. Lieutenant Lewis had a narrow escape; an arrow fired at a very short distance lodging in his cap pocket. Lieutenant Davies, who gallantly led the Advance Guard throughout the whole of the operations of the day, was, I am sorry to say, severely hit in the left breast and left arm. Mr. Midshipman Mayo also, a gallant young lad, who was prominently forward on all occasions, was slightly wounded in the finger. I beg to report that the conduct of these Officers was most gallant and exemplary, and I have to add also the highly meritorious conduct of Mr. Assistant Surgeon White, whose devotion and attention to the wounded, in positions of great risk, was beyond all praise.

6. I have now to bring to your notice the great assistance which has been afforded, throughout the expedition, by Major Reid and his small party of Artillerymen, being an eye-witness to their gallant conduct in serving the guns amidst showers of arrows from all directions, and seeing many of the men hit, their continued exertions to dislodge the enemy evinced a very Soldier-like spirit.

7. My Serjeant Major was present, and he behaved with his usual Soldier-like steadiness.

8. In conclusion, I beg to state that I have received the greatest assistance from Captain Bivar, your Principal Assistant, with me. His personal exertions, in regard to the requisite supplies, carriage and boats, and on bringing the large fleet with us up stream, have been most praiseworthy. I shall await his wishes for a few days at this place, to enable him to make his arrangements with the different Tribes.

I have, &c.,

(Signed) S. F. HANNAY. *Lieutenant-Colonel, Commanding 1st Assam Light Infantry Battalion, and Expedition to Abor Hills.*

P. S.—Annexed is a rough Sketch of the line of operations.

FROM ASSISTANT SURGEON JOHN BERRY WHITE,
In Medical charge of Abor Expeditionary Force,
TO LIEUTENANT-COLONEL S. F. HANNAY,
Commanding 1st Assam Light Infantry Battalion and Expeditionary Force to Abor Hills.

Camp Pashee Ghat, 28th February 1859.

SIR,

I HAVE the honor to forward you a List of Casualties of the engagement of yesterday of Expeditionary Force to Abor Hills under your Command.

At the same time I think it right to inform you, that in each case the arrow was poisoned with extract of a species of aconite.

I am happy to say that in consequence of the measures which I adopted on the Field, *viz.*, cupping, suction, and ligatures above the wound, very little ill results ensued from the poison, and those have succumbed to the ordinary treatment for narcotico-acrid poisoning.

I have, &c.,

JOHN BERRY WHITE, *Asst. Surgeon, In Medical charge of Abor Expeditionary Force.*

Nominal Return of Casualties of a Detachment of No. 4 Indian Naval Brigade, at the reduction of the Village of Ron Khong and Pashee, Abor Hills, on the 27th February 1859.

Pashee Ghat, 28th February 1859.

KILLED.

Robert Blume, A. B.

DANGEROUSLY WOUNDED.

NAMES.	RANK.	HOW WOUNDED.
William Brown ..	A. B. ..	Poisoned incised arrow wound of abdomen.
John George ..	A. B. ..	Poisoned punctured arrow wound of thigh.
John Evans ..	A. B. ..	Poisoned punctured arrow wound of axilla.
William Sainsbury ..	A. B. ..	Poisoned punctured arrow wound of shoulder.

SEVERELY WOUNDED.

NAMES.	RANK.	HOW WOUNDED.
William H. Davies ..	Lieutenant ..	Poisoned punctured wound of arm and thorax.
John Currie ..	A. B. ..	Poisoned punctured arrow wound of leg.
Thomas Hastings ..	2nd Class P. O. ..	Poisoned punctured arrow wound of shoulder.
James Robinson, 1st ..	A. B. ..	Poisoned punctured arrow wound of shoulder.
David Hardie ..	A. B. ..	Poisoned punctured arrow wound of arm.
Robert Robertson, 2nd ..	A. B. ..	Poisoned punctured arrow wound of elbow.
William Fegan ..	A. B. ..	Poisoned punctured arrow wound of chest.

SLIGHTLY WOUNDED.

NAMES.	RANK.	HOW WOUNDED.
Arthur Mayo ..	Midshipman ..	Lacerated poisoned wound of finger.
Richard Augier ..	Quarter Master ..	Poisoned punctured wound of leg and arm.
Charles Maple ..	1st Class P. O. ..	Poisoned punctured wound of ankle.
Alfred Emanuel ..	A. B. ..	Poisoned punctured wound of leg.
Joseph Frank ..	A. B. ..	Poisoned punctured wound of leg.
George Day ..	A. B. ..	Poisoned punctured wound of arm.
James Davis ..	A. B. ..	Poisoned punctured wound of thorax.
John Carter ..	A. B. ..	Poisoned punctured wound of leg.
Benjamin Davis ..	A. B. ..	Poisoned punctured wound of thorax and arm.
John McEvor ..	A. B. ..	Poisoned punctured wound of leg.
Abraham Templeman ..	A. B. ..	Poisoned punctured wound of thorax.
John Fox ..	A. B. ..	Poisoned punctured wound of arm.
William Alfred ..	A. B. ..	Poisoned punctured wound of foot.
Thomas Kean ..	Artillery Gunner ..	Poisoned punctured wound of leg and arm.
James Skinner ..	Artillery Gunner ..	Poisoned punctured wound of leg.
Frederick Jackson ..	Artillery Gunner ..	Poisoned punctured wound of thorax.

(Signed) JOHN BERRY WHITE, *Assistant Surgeon,*
In Medical charge Abor Expeditionary Force.

Abstract of Killed and Wounded.

Killed	.. 1
Dangerously wounded	.. 4
Severely wounded	.. 7
Slightly wounded	.. 16
Total killed and wounded	.. 28

Strength of Detachment.

Officers	.. 3
Petty Officers, Seamen and Marines	.. 62
Total	.. 65

(Signed) J. G. LEWIS, *Lieutenant, I. N.,*
Commanding No. 4 I. N. Brigade.

(Signed) S. F. HANNAY, *Lieutenant-Colonel,*
Commanding Expedition.

Nominal Return of Casualties of Detachment of Assam Local Artillery, at the reduction of the Villages Rong Khong and Pashee, Abor Hills, February 27th, 1859.

Camp Pashee Ghat, 28th February 1859.

NAMES.	RANK.	NATURE OF WOUND.	
Soot Kissen Singh ..	Golundaz..	Poisoned punctured wound of thigh ..	Severely.
Bhaboora Ram ..	Ditto ..	Poisoned punctured wound of thigh ..	Severely.
Neetha Ram ..	Ditto ..	Poisoned punctured wound of cheek ..	Slightly.
Ram Gooluck Singh ..	Ditto ..	Poisoned punctured wound of foot ..	Slightly.
Ram Buccas Singh ..	Ditto ..	Poisoned punctured wound of thigh ..	Slightly.
Nathee Ram ..	Ditto ..	Poisoned punctured wound of foot ..	Slightly.

(Signed) JOHN BERRY WHITE, *Assistant Surgeon,*
In Medical charge Abor Expeditionary Force.

(Signed) D. REID, *Major,*
Comdg. Local Artillery.

(Signed) S. F. HANNAY, *Lieut.-Colonel,*
Comdg Expedition.

Nominal Return of Casualties of Detachment of 1st Assam Light Infantry, at the reduction of the Villages Rong Khong and Pashee, Abor Hills, February 27th, 1859.

Camp Pashee Ghat, 28th February 1859.

Names.	Rank.	Nature of Wound.	How Wounded.
Madder Bux ...	Bugler ...	Poisoned incised wound of temple ...	Severely.
Kaloo Ram ...	Sepoy ...	Poisoned punctured wound of thigh ...	Severely.
Mukdoon Bux ...	Bugler ...	Poisoned punctured wound of leg ...	Slightly.

(Signed) John Berry White, *Assistant Surgeon,*
In Medical charge, Expeditionary Force.
(Signed) S. F. Hannay, *Lieut.-Colonel,*
Comdg. Expedition.

Nominal Return of Casualties of Auxiliary Tribes at the reduction of the Villages Rong Khong and Pashee Abor Hills, February 27th, 1859.

Camp Pashee Ghat, 28th February 1859.

Names.	Rank.	Nature of Wound.	How Wounded.
Oney ..	Dooneah .	Poisoned punctured wound of leg ...	Slightly.
Chomar ..	Kamptee..	Poisoned punctured wound of thorax ...	Ditto.
Chowla ...	Ditto ..	Poisoned punctured wound of arm ...	Ditto.
Plangeah ..	Ditto ..	Poisoned punctured wound of thorax ...	Ditto.
Popa Singh ..	Ditto ..	Poisoned punctured wound of ankle ...	Ditto.
Paulong Tong ..	Ditto ..	Poisoned punctured wound of leg ..	Ditto.
Chow Kong ..	Ditto ...	Poisoned lacerated wound of toe ...	Ditto.
Plangaisan ..	Ditto ...	Poisoned punctured wound of leg ..	Ditto.

(Signed) John Berry White, *Assistant Surgeon,*
In Medical charge, Expeditionary Force.
(Signed) H. S. Bivar,
Principal Assistant Agent Governor General,
Luckimpore.
(Signed) S. F. Hannay, *Lieutenant-Colonel,*
Comdg. Expedition.

Abstract of Killed and Wounded of the Abor Expeditionary Force, at the reduction of the Villages Rong Khong and Pashee, February 27th, 1859.

	Killed.	*Wounded.*
Indian Naval Brigade, No. 4 Detachment ...	1	27
1st Assam Light Infantry Detachment, 2 Companies ...		3
Assam Local Artillery Detachment ...		6
Auxiliary Tribes, Kamptees, Dooneahs and Singhfoos ...		8
Grand Total ...	1	44

(Signed) John Berry White, *Assistant Surgeon,*
In Medical charge, Abor Expeditionary Force.
(Signed) S. F. Hannay, *Lieut.-Colonel,*
Comdg. Expedition.

Camp Passe Ghat
The 28th February 1859.

No. 657 *of* 1859.—The under-mentioned Officers are permitted to proceed to Europe on Furlough on private affairs :—

Captain Henry Lewis, of the Regiment of Artillery, Principal Commissary of Ordnance ...	For six months, under the new Regulations.
Captain Abraham Richard Fuller, of the Regiment of Artillery, Inspector of the Department of Public Instruction, 1st or Meerut Circle, North-Western Provinces	For six months, under the new Regulations.
Assistant Surgeon William Delpratt, M. D., of the Medical Department, attached to the 3rd Punjab Cavalry	For six months, under the new Regulations, embarking at Bombay.
Captain Charles Baldwin, of the 2nd European Bengal Fusiliers, Assistant Commissioner, Jubbulpore Division... ...	For six months, under the new Regulations, embarking at Bombay.

No. 658 of 1859.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Ordnance Commissariat Department.

Captain G. E. Voyle, First Class Commissary, to officiate as Principal Commissary of Ordnance during the absence on Furlough of Captain Lewis, or until further orders.

No. 659 *of* 1859.—Lieutenant Bruce Neilson Smith, of the 46th Regiment Native Infantry, Adjutant 3rd Irregular Cavalry, is allowed leave of absence from the 1st April to the 15th May 1859, to visit Bombay, with permission to proceed thence to Europe, on Furlough, on private affairs, for three years, under the old Regulations.

No. 660 *of* 1859.—With reference to Government General Order No. 88, of the 20th January last, the services of Lieutenant J. P. Westmorland, of the Corps of Engineers, are placed permanently at the disposal of the Public Works Department.

No. 661 *of* 1859.—Major J. Bontein, of the 37th Regiment Native Infantry, Officiating Sub-Assistant Commissary General, is allowed leave of absence for two months, from the 1st instant to the 1st July 1859, to visit the Presidency, preparatory to applying for Furlough to Europe, under the old Regulations.

No. 662 *of* 1859.—The services of Lieutenant E. Swetenham, of the 45th Regiment Native Infantry, are placed at the disposal of the Public Works Department, with effect from the 8th February 1859.

No. 663 *of* 1859.—The following Extract from the *London Gazette* of the 1st April 1859 is published for general information :—

BREVET.

War Office, Pall Mall, 1st April 1859.

Captain Thomas Rattray, of the 64th Bengal Native Infantry, to be Major in the Army,—dated 1st April 1859.

No. 664 of 1859.—His Excellency the Governor General in Council is pleased to make the following promotions in the Warrant Grade :—

DEPARTMENT OF PUBLIC WORKS.

To be Conductors.

Sub-Conductor D. McLeod, from the 6th April 1859.

Sub-Conductor C. B. Goode, from the 9th April 1859.

Sub-Conductor M. Cunningham, from the 20th April 1859.

No. 665 *of* 1859.—The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick Certificate :—

Lieutenant Donall Macdonald, of the 25th Regiment Native Infantry ...	For fifteen months, under the new Regulations.

No. 666 *of* 1859.—*Erratum.*—In Government General Order No. 551, of the 19th of April 1859, promoting Captain W. Birch to be Major *by Brevet*, and Lieutenant J. M. Evans to be Captain *by Brevet*, in the 6th European Regiment, the words *by Brevet* are to be omitted. Order Books to be corrected accordingly.

R. J. H. BIRCH, *Major-Genl.*,
Secy. to the Govt. of India.

Public Works Department.

GENERAL.—ESTABLISHMENTS.

No. 113.

Fort William, the 7th May 1859.

Appointment.—Mr. W. Gillen is appointed a temporary Assistant Overseer in the Department Public Works, and posted to Bengal.

No. 114.

Promotion.—Mr. M. Duell, Sub-Engineer 3rd Class, Ganges and Darjeeling Road, is promoted to the Grade of Assistant Engineer, 2nd Class.

H. YULE, *Lieut.-Colonel*,
Secretary to the Govt. of India.

Orders by the Lieutenant-Governor of Bengal.

No. 2990.

APPOINTMENTS.—*The 25th April* 1859.—Baboo Ram Govind Deb, Moonsiff of Cachar, to be also Deputy Magistrate, and to exercise the powers of a Covenanted Assistant to a Magistrate, under Regulations XIII. of 1797 and IX. of 1807, in Cachar.

The 5th May 1859.—Mr. W. T. Llewelyn to officiate as Assistant to the Protector of Emigrants, from the date on which he assumed charge of the Office of 3rd Assistant Master Attendant.

Sub-Assistant Surgeon Rohim Khan to be House Physician of the Medical College Hospital.

Sub-Assistant Surgeon Kasee Chunder Dutt to officiate as House Surgeon of the Medical College Hospital.

The 6th May 1859.—Mr S. H. C. Tayler to officiate as Magistrate of Tirhoot.

Mr. H. Michel, Sub-Assistant to the Commissioner of Assam, at Luckimpore, is vested with the powers of a Junior Assistant to the Commissioner, under the provisions of Section I., Clause 2, of the Rules for the administration of Criminal Justice in Assam.

The 9th May 1859.—Captain A. C. Plowden, 50th Regiment Native Infantry, to be Aide-de-Camp on the Personal Staff of the Lieutenant-Governor, from the 1st instant.

The Reverend F. F. Mazuchelli, D. D., to be Chaplain of Kidderpore.

Leave of Absence.—*The 5th May* 1859.—Mr. J. M. G. Cheek, Deputy Magistrate and Deputy Collector of Kalarooa for one month, under Clause 1, Section VII. of the revised Uncovenanted Absentee Rules.

A. R. Young,
Secy. to the Govt. of Bengal.

Orders by the Lieutenant-Governor, North-Western Provinces.

No. 1605.

Allahabad, the 5th May 1859.

Appointments.—Mr. Alexander Ross to officiate as Commissioner of the Agra Division, during the absence, on leave, of Mr. G. F. Harvey, or until further orders.

No. 1607.

Mr. Edward Clive Bayley to officiate as Civil and Sessions Judge of Furruckabad, until further orders.

No. 1631.

Mr. John Adair Craigie is vested with the powers described in Acts XIV., XVI. and XVII. of 1857, in the Saugor and Nerbudda Territories.

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

G. Couper,
Secy. to Govt., N. W. P.

No. 1585.

Allahabad, the 3rd May 1859.

Notifications.—The services of the under-mentioned Officers have this day been placed at the disposal of the Government of the Punjab and its Dependencies, with a view to their being appointed 3rd Class Assistant Commissioners :—

Mr. Edward Fairlie, C. S.

„ D. G. Barkley, C. S.

„ J. W. Smyth, C. S.

No. 1632.

The 5th May 1859.

Captain W. F. Eden received charge, on the 10th ultimo, of the Office of Commissioner of Ajmere and Neemuch, from Brigadier General G. St. P. Lawrence, on his proceeding to England, on Medical Certificate.

No. 1652.

The 7th May 1859.

Rugnath Singh, late Jemadar of Police, Chowkee Rundhka in Beesulpoor, District of Bareilly, having been proved to have harboured Rebels during the late disturbances, is hereby declared unworthy to serve Government in any capacity.

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

J. D. Sandford,
Offg. Asst. Secy. to Govt., N. W. P.

No. 915.

Allahabad, the 4th May 1859.

Leave of Absence.—The leave, for one month, granted to Captain G. Baillie, Deputy Superintendent Rookee Workshops, in Notification No. 535, dated 31st March last, is cancelled at his own request.

No. 718.

The 6th May 1859.

Erratum.—The appointments of Messrs. Wright, Jones and Bell, of the Customs Department, noti-

ed in Orders of 14th ultimo, No. 539, are to have effect from the 17th January last, instead of the 7th February.

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

F. B. OUTRAM,

Offg. Under-Secy. to Govt., N. W. P.

No. 270A.

Allahabad, the 4th May 1859.

Leave of Absence.—Mr. A. Bates, Adjutant of the Futtehpore District Police Battalion, privilege leave for two months, from the 5th instant, or from such date as he may avail himself of it, under section VII. of the Uncovenanted Leave Rules.

No. 275.

The 6th May 1859.

Appointment.—Lieutenant R. D. Griffin, 64th Regiment Native Infantry, to be Second in Command of the 2nd Seikh Police Corps, at Goruckpore.

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

G. W. WILLIAMS, *Lieut.-Col.*,
Military Secy. to Govt., N. W. P.

Orders by the Lieutenant-Governor, Punjab Provinces.

Public Works Department,

Nos. 874-5, *dated 25th April* 1859.

Transfers.—Overseer D. King from the Upper Bahind to the Mooltan Division of Public Works.

General Department,

Nos. 971-3, *dated 26th April* 1859.

Lieutenant R. Hudlestone, Assistant Commissioner, from the Shahpoor to the Derah Ismael Khan District.

No. 949, *dated 25th April* 1859.

Leave.—Lieutenant W. G. Davies, Officiating Deputy Commissioner of Jhung, has obtained eight weeks' leave of absence, from the date on which he may avail himself thereof, preparatory to his proceeding on sick leave to Europe, on Medical Certificate, under the new Rules.

No. 951.

The indulgence leave for two months granted to Davee Ditta, Extra Assistant of Goojranwalla, published in the *Punjaub Gazette* of the 15th January 1859, is cancelled, and he has obtained six months' leave of absence from the 16th January 1859, under Section V. of the Uncovenanted Service Leave Rules.

No. 952.

Mr. D. F. McLeod, Financial Commissioner of the Punjab, has obtained six weeks' leave of absence, from the date of his availing himself thereof, preparatory to obtaining leave to Europe, on Medical Certificate.

Public Works Department,

No. 886, *dated 26th April* 1859.

Native Surveyor Durga Pershad, of the Huslee Canal, has obtained four months' leave of absence, on urgent private affairs, from the date of his availing himself thereof.

General Department,

Dated 27th April 1859.

Promotions.—The Hon'ble the Lieutenant-Governor is pleased to make the following promotions, consequent on the transfer of Captain R. H. D. Tulloh, Assistant Commissioner, 1st Class, to Oude :—

Mr. J. Taylor, Assistant Commissioner, 2nd Class, to be an Assistant Commissioner, 1st Class.

Lieutenant J. R. G. G. Shortt, Assistant Commissioner, 3rd Class, to be an Assistant Commissioner, 2nd Class.

Public Works Department,

Nos. 904-5, *dated 28th April* 1859.

Transfers.—Overseer Serjeant S. S. Marriott from the Lahore Division to the Lahore and Peshawur Road.

2. Overseer Serjeant J. Riley from the Lahore and Peshawur Road to the Lahore Division.

General Department,

No. 1006, *dated 29th April* 1859.

Leave.—Mr. Colin Lindsay, Assistant Commissioner, Goorgaon, has obtained one month's privilege leave, under Section XII. of the Civil Service Absentee Rules, from the 1st May 1859, or from the date on which he may avail himself thereof.

Dated 30th April 1859.

Appointment.—Lieutenant R. J. D. Ferris, Assistant Commissioner, Kohat, to be Secretary to the Local Fund Committee of that District.

By Order of the Hon'ble the Lieutenant-Governor of the Punjab and its Dependencies,

R. H. DAVIES,

Secy. to Govt., Punjab, and its Dependencies.

Opium Notification.

NOTICE is hereby given, that the sixth Sale of Opium, the provision of 1857-58, will be held at the Exchange Hall, on Monday, the 13th of June 1859, at 11 A. M., and will comprise 2,260 chests, *viz* :—

Behar Opium	1,915
Benares Ditto	345
Total Chests...	2,260

2. The general conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 1st December 1858, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 18th and 28th June 1859, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers at the sale, will be received after 4 P. M. of Saturday, the 18th June 1859, and no Treasury Receipts in full payment of lots will be accepted after 4 P. M., of Tuesday, the 28th June 1859.

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1857-58, will be brought to Sale in the present year, on or about the dates specified below. The Board however reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Thursday, 14th July 1859 -	1915	345	2260
Do. Wednesday, 10th August „ -	1915	345	2260
Do. Friday, 9th September „ -	1915	345	2260
Do. Friday, 14th October „ -	1915	345	2260
Do. Monday, 7th November „ -	1915	345	2260
Do. Monday, 5th December „ -	1934	379	2313
	11509	2104	13613

By Order of the Board of Revenue,

RIVERS THOMPSON,
Offg. Junior Secretary.

FORT WILLIAM,
The 4th May 1859.

No. 257.

Notice.

TENDERS for the transportation of Salt from the Central and Southern Agencies of Orissa, to the Government Golahs at Sulkea, will be received at this Office until 2 P. M., of the 17th of May next.

2. The Tenders must be drawn up according to a form which may be obtained on application at this Office.

3. Distinct contracts must be entered into the removal of the Salt in each of the three following localities, to wit, Hunsooah (in Central C tack) and the Ustrung Aurungs and the Chi Lake Aurungs, in the Southern or Pooree Agen

4. Parties tendering must satisfy the Board Revenue and the Commissioner of Cuttack, t they possess the means of conveying the full qu tity of Salt tendered for, and with this objec list of the vessels intended to be employed m accompany each Tender.

5. The quantity of Salt to be shipped at Hunsooah Golahs will probably not exceed 1,00,0 maunds in each year; that from the Ustrungs i roughly estimated at 80,000 maunds for the en suing season, and that from the Chilka Aurung at maunds 3,20,000. The tenderer may apply fo the whole quantity for which freight is required at each locality, or for any part not less than quarter of such quantity.

6. Contractors must engage to ship the Sal allotted to them, during the period between the last spring tides of October and the end February.

7. Parties whose tenders are accepted will b required to make a deposit of Government Pro missory Notes, or to furnish other unexceptionable Security for the performance of their contracts.

8. The Board reserve to themselves the righ of rejecting any Tender without assigning a reason

By order of the Board of Revenue,

E. T. TREVOR,
Secretary.

FORT WILLIAM,
The 15th March 1859.

Notification.

THE undersigned begs to notify for the informa tion of Officers under the direct orders of th Government of India, that the designations of th Districts of Paneeput and Khangurh, in the Punjal have been altered to Kurnaul and Moozuffergurl respectively.

E. DRUMMOND,
Acctt. Genl. to the Govt. of India.

FORT WILLIAM;
Accountant General's Office,
Durbar and Revenue Dept.,
The 29th April 1859.

Notification No. 1000.

THE Public Bill Form, bearing the printe No. 294550, having been found to be missing fro the Nuddea Treasury, is hereby cancelled; a Officers in charge of Treasuries are cautioned refuse acceptance of it, if presented, taking t requisite steps for the apprehension of the parti concerned in negotiating it.

R. P. HARRISON,
Offg. Acctt. to the Govt. of Beng

FORT WILLIAM;
Office of Acctt., Govt. of Bengal,
The 29th April 1859.

Monthly Account of Salt in Store in the several Agencies and the Sulkeah Golahs up to 30th April 1859, together with 4 per Cent. reserve for Golah Wastage.

Agencies.	1260 or 1853-54, and previous years.			1261 or 1854-55.			1262 or 1855-56.			1263 or 1856-57.			1264 or 1857-58.			1265 or 1858-59.			Total Quantity in Store.		
Hidgellee.	Mds.	S.	C.	Mds.	S.	C.	Mds.	S.	C.	Mds.	S.	C.	Mds.	S.	C.	Mds.	S.	C.	Mds.	S.	C.
Pungah Salt Ghaut Russoolpore ...	0	0	0	0	0	0	0	0	0	0	0	0	1188	3	12	49005	0	0	50193	3	12
Pittodo., Kissennuggur	0	0	0	0	0	0	0	0	0	0	0	0	90919	0	0	50294	0	0	141213	0	0
Ditto do., Ramnuggur	0	0	0	0	0	0	0	0	0	116448	30	0	182553	39	0	50632	0	0	349634	29	0
Do. do., North Kaleenuggur ...	0	0	0	0	0	0	0	0	0	0	0	0	9089	25	8	86324	0	0	95413	25	8
Do. do., Pooree Ghautta ...	0	0	0	0	0	0	0	0	0	0	0	0	23018	0	0	33707	0	0	56725	0	0
Total ...	0	0	0	0	0	0	0	0	0	116448	30	0	306768	28	4	269962	0	0	693179	28	4
Tumlook.																					
Pungah, Ghaut Narrainpore ...	0	0	0	0	0	0	0	0	0	0	0	0	4960	24	5	138976	0	0	143936	24	5
Total ..	0	0	0	0	0	0	0	0	0	0	0	0	4960	24	5	138976	0	0	143936	24	5
Chittagong.																					
Pungah, Bangkhally Ghaut ...	0	0	0	0	0	0	0	0	0	0	0	0	11679	9	0	0	0	0	11679	9	0
Do Sudder Ghaut Agency ...	0	0	0	0	0	0	0	0	0	0	0	0	72012	39	15	0	0	0	72012	39	15
Do. do., Arracan ..	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kurkutch Madras ...	0	0	0	0	0	0	0	0	0	31444	0	0	248467	8	6	0	0	0	279911	8	6
Total ...	0	0	0	0	0	0	0	0	0	31444	0	0	332159	17	5	0	0	0	363603	17	5
Sulkea.																					
Pungah, Cuttack ...	0	0	0	0	0	0	0	0	0	85	0	0	108468	0	0	0	0	0	108553	0	0
Do., Balasore ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Do., Khordha ...	0	0	0	0	0	0	0	0	0	442	10	0	2214	0	0	0	0	0	2656	10	0
Do., Chilka ...	0	0	0	0	0	0	0	0	0	0	0	0	2823	0	0	0	0	0	2823	0	0
Do., 24-Pergunnahs ...	0	0	0	0	0	0	4320	0	0	13631	0	0	0	0	0	0	0	0	17951	0	0
Do. do., Nurainpore ...	200597	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	200597	20	0
Do. do., Baugundee ..	0	0	0	0	0	0	1846	0	0	138168	20	0	0	0	0	0	0	0	140014	20	0
Do. do., Dhosah .	0	0	0	0	0	0	1560	0	0	71058	0	0	0	0	0	0	0	0	72618	0	0
Kurkutch Madras Permit ...	0	0	0	259232	30	0	691886	0	0	0	0	0	0	0	0	0	0	0	951118	30	0
Do. Chilka ...	0	0	0	0	0	0	9009	0	0	433062	10	0	174700	0	0	0	0	0	616772	10	0
Do. Scinde ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	56445	0	0	56445	0	0
Mixed Kurkutch ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2226	0	0	2226	0	0
Pungah, Pooree Ghautta ...	0	0	0	0	0	0	0	0	0	0	0	0	1204	0	0	0	0	0	1204	0	0
Do. Ramnuggor ...	0	0	0	0	0	0	0	0	0	1238	0	0	0	0	0	0	0	0	1238	0	0
Mixed Pungah Salt ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	562	0	0	562	0	0
Total ...	200597	20	0	259232	30	0	708621	0	0	657602	0	0	289409	0	0	59233	0	0	2174785	10	0
Arracan.																					
Pungah, Ghaut Khyouk Phyoo ...	0	0	0	0	0	0	0	0	0	0	0	0	9574	0	0	2213	20	0	11787	20	0
Total ...	0	0	0	0	0	0	0	0	0	0	0	0	9574	0	0	2213	20	0	11787	20	0
Grand Total ...	200597	20	0	259232	30	0	708621	0	0	805534	30	0	948871	29	14	470394	20	0	3387252	9	14

R. T. Trevor,
Secretary.

Board of Revenue,
The 4th May 1859.

Notice.

THE General Treasury will be closed on Tuesday, the 24th instant, the Anniversary of Her Most Gracious Majesty's birthday.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 9th May 1859.

Notice of the Municipal Commissioners.

THE new Thoroughfare leading from Colootollah to Muchooa Bazar having been completed, notice is hereby given that, under the authority of Government, the same will henceforth be called "Halliday Street." Parties owning property on either side of the new Street are requested to forward Title Deeds for the same to this Office, in order that the necessary alterations may thereon be recorded.

By Order of the Municipal Commissioners,

ROBT. TURNBULL,
Secretary to the Municipal Commissioners.

MUNICIPAL COMMISSIONERS' OFFICE;
3, *Chowringhee Road,*
Calcutta, 10*th May* 1859.

Notification.

Fort William, Civil Auditor's Office, the 20*th April* 1859.

To the Officers of the Political, Judicial, Revenue, Customs, Salt, Opium, and other branches of Service.

The Civil Auditor has the honor to request that Disbursing Officers, in charge of Civil Establishments, will be good enough to submit, as soon after 1st of May next as may be practicable, separate from their April Pay Abstracts, the Annual Detailed Statements of the respective Establishments as per Forms Nos. 1, 2, and 3, furnished for their guidance in 1848, annexing a note to each of the above Statements showing the items of expenditure which, though sanctioned, have not been actually incurred with reference to Financial Resolution of 29th October 1857, No. 4751. Pending the receipt of these documents, the audit of their April Abstracts will, under Financial Resolution of 7th September 1842, be withheld.

The usual Annual Returns of Uncovenanted Servants up to May 1859, as well as separate Statements showing the periods of leave granted to Uncovenanted Assistants, are also requested to be furnished in Forms Nos. 4 and 5, with the above Annual Detailed Statements.

W. P. PALMER,
Civil Auditor.

Medical College.

THE Session of 1859-60 will commence in the Medical College on the 15th June next.

2. Students who may be desirous of entering the College are requested to apply to the Principal, at the Medical College, between the hours of 10 A. M. and 4 P. M., on or before the 10th of June next.

3. The possession of the "Entrance Examination" Certificate of the Calcutta University, will entitle Students to enter the Medical College without further Examination.

4. Under certain conditions (which may be learned on application to the Principal) Students will be admitted in anticipation of passing the University Entrance Examination, but under the clear proviso of their going up for that Examination before the commencement of the Session of 1860-61.

5. The course of Instruction given in the Calcutta Medical College is framed to meet the requirements of the Calcutta University for obtaining its Degrees in Medicine and Surgery.

6. The Certificates of Lectures and Hospital Attendance of the College are likewise recognised by the University of London, the Royal College of Surgeons of England, and the Worshipful Society of Apothecaries of London, as entitling the possessors of such to compete in London for the Degree, Diploma and License of those bodies, under the Rules which regulate the granting of the same.

W. C. B. EATWELL, *M. D.*,
Principal, Medical College.

CALCUTTA;
Medical College Office,
The 30*th April* 1859.

Notification.

THE Civil Auditor, North-Western Provinces, has the honor to repeat his annual call to all Disbursing Officers in charge of Civil Establishments in the North-Western Provinces, for the submission (as soon after the 1st May next, as practicable, with the April Abstract) of their regular Annual Detailed Statement, containing the names and full particulars of the whole of the Establishment; and to observe that, with reference to the orders of Government, dated 15th October 1842, published in the *Agra Government Gazette*, of the 15th November 1842, the audit of their Abstracts for April next will be withheld until the receipt of the required Returns.

2. To facilitate check, it is particularly requested that the Abstract for April be sub-divided into distinct headings, so that each description of Office with its total shall correspond with the details given in the Statement of Establishment or the 1st May, agreeably to the Form furnished.

3. It is also requested that the *three separate* Lists prescribed for all Uncovenanted Civil Servants (Europeans and East Indians) and Native, (in the last the names of *only those* holding appointments of *trust* and *responsibility* should be inserted,) employed on their Establishments, be furnished for 1st May 1859, without delay.

H. LOCH,
Offg. Civil Auditor.

CIVIL AUDITOR'S OFFICE;
N. W. P., Allahabad,
The 31*st March* 1859.

WEEKLY STATEMENT OF TRAFFIC PASSED THROUGH THE CIRCULAR AND EASTERN CANALS FROM 1st TO 6th MAY 1859.

From 1st to 6th May 1859.	Name of Chowkeys	Charcoal.			Wood Coal.			Piece Goods, Native Produce.			Piece Goods, Imported Fabrics.			Hides.			Cotton.			Castor Seed.			Castor Oil.			Indigo.			Jaggery.			Jute.			Lime.			Mustard Seed.			Mustard Seed Oil.		
		Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.
Circular Canal	Bamanghatta	...	...	...	...	...	...	...	...	...	...	...	...	7	3775	23300	...	...	...	8	103	900	...	...	...	...	...	...	39	1930	12350	25	2373	1430	23	2433	1900	69	4030	2767	1	700	200
	Chitpore	29	27700	15175	...	...	...	...	...	...	5	2750	bal- 121	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	55	250	...	...	...	...	...	...	...	...	...	...	...
Folly's Nullah	Samookpotta	...	...	...	2	1050	700	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10	6350	3800	...	...	...	1	223	200	786	7875	5800	...	...	...
	Rossa	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kyderpore	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	650	350	...	...	...	...	...	...

From 1st to 6th April 1859.	Name of Chowkeys	Salt.			Sugar.			Tobacco.			Linseed.			Paddy.			Pulse.			Peas.			Rice.			Wheat.			Lentil.			Grain.			Sundries.	
		Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Number of Boats.	Maundage by Canal Measurement.	Maundage of Cargo by estimate.	Total Number of Boats.	Total Maundage by Canal Measurement.
Circular Canal	Bamanghatta	...	...	...	109	50425	34375	19	6900	4500	97	38850	24975	6	1323	925	3	1850	1380	42	1420	9475	133	70100	52725	11	3575	3600	13	5150	3550	4	2573	2380	654	338473
	Chitpore	112	65900	38525	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	322	161350
Folly's Nullah	Samookpotta	...	...	...	...	...	...	1	600	500	1	450	200	29	7300	5375	6	1700	1400	9	3650	2700	11	3375	2700	...	...	...	...	...	...	...	...	...	172	18000
	Rossa	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7	375
	Kyderpore	14	9775	6500	...	...	...	...	...	...	...	...	...	1	500	200	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	189	33725

J. F. GALIFFE,
Collector and Magistrate of Canals.

REPORT showing the smallest depth of water in the Bhaugiruttee, Jellinghee and Matabangah Rivers from 25th April to 1st May 1859.

Names of Rivers.	Smallest depth of Water.	Remarks on the Phenomena of the River, during the week.
Bhaugirutte River.	F. Is.	
Above its entrance Bar in Ganges	4 9	All Boats suited for the present dry season's Traffic of the Nuddeah Rivers should take the Bhaugirattee route this year. These depths are on sand Lumps. They do not show the general depths of the Channels which are seldom less than from 3 feet 3 inches to 4½ feet.
On the entrance Bar...	3 8	
From thence to Jungypore, 14 miles ...	2 7	
From Jungypore to Berhampore, 45 miles ...	2 9	
From Berhampore to Cutwa, 54 miles ...	2 8	
And from Cutwa to Nuddea, 63 miles ..	2 10	
Jellinghee River.		
From its entrance to Bansemarree ...	Closed.	Entrance closed by the Chur formed by Ganges in 1853-54.
From Bansemarree to Teeahkattah ...	1 3	
From Teeahkattah to Chundipore ...	1 8	
And from Chundipore to Moisgunge ...	2 6	
Matabangah River.		
From its entrance to Alickdeah ...	Closed.	Works on Upper River suspended. Lower River open from Alickdeah to Hooghly, and will be kept so. No Tolls collected since December 6th, 1858.
From Alickdeah to Seebpore ...	2 6	

Height of water on Gauge at Berhampore on the 1st May 1859 + 10½ inches.

T. N. Armstrong, *C. E.*,
Supdt., Nuddeah Rivers.

Kishnaghur,
The 5th May 1859.

Sheriff's Office; the 7th May 1859.

NOTICE is hereby given, that a Sessions of Oyer and Terminer and Gaol Delivery and also an Admiralty Sessions will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House in the Town of Calcutta, on Monday, the sixth day of June next, at 12 o'Clock at noon.

The Court will open on the first day of the Sessions at 12 o'Clock at noon, and upon each succeeding day precisely at 11 o'Clock in the forenoon, of which all persons are required to take notice.

W. F. Gilmore,
Sheriff.

সরিফ আফিস ৭ মে ১৮৫৯ সাল

সমাচার দেওয়া যাইতেছে যে আগামি ৬ জুন ১৮৫৯ সাল সোমবার দুই প্রহরের সময় কলিকাতার কোর্ট উইলিএমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্ত বঙ্গ দেশের কোর্ট উইলিএমের সুপ্রেম কোর্ট আপল আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেলটি অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তি জন্য এক সেশিয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান অতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এ বিষয় সকলে অবগত থাকুন।

W. F. Gilmore,
Sheriff.

Bengal Civil Fund.

Notice.—The Half-Yearly General Meeting of Subscribers will be held at the Town Hall, on Wednesday, the 27th July next, at 11 A. M.

E. F. Harrison,
Hony. Secy.

Civil Fund,
The 9th May 1859.

Oriental Bank Corporation.

Incorporated by Royal Charter.

With reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions, if to be remitted through the Corporation. Without charge.

If to be paid in India, a Commission will be charged of ... 1-4th per Cent.

On returning Government Paper or Share Certificates out of safe custody, ... 1-4th per Cent.

On the purchase of Government or other Securities, ... 1-4th per Cent.

On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ... Without charge.

WM. ANDERSON,
Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Gooroodoss Mookerjee, an Insolvent ... } On Saturday, the 2nd day of April last, it was ordered that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. Cap. XXI. be dismissed.

Pittar and Payne, *Attorneys.*

In the matter of Alfred Dumat, an Insolvent.

In the matter of Alfred Dumat and others, Insolvents. } On Saturday, the 7th day of May instant, it was ordered that the petition of the said Insolvents seeking the benefit of the Act XI. Vic. Cap. XXI, be dismissed.

Carey and Berners, *Attorneys.*

In the matter of Juggessur Laha, an Insolvent. } On Saturday, the 7th of May instant, it was ordered that the hearing of this matter do stand adjourned until Saturday the 14th day of May instant, and that the said Insolvent do then attend to be examined by the said Court.

Homfray, *Attorney.*

In the matter of Nobinchunder Dutt, of Hautsollah in Calcutta, late a Banian, an Insolvent. } On Saturday, the 7th day of May instant, it was ordered that the hearing of this matter do stand adjourned until Saturday the 4th day of June next, and that the said Insolvent do then attend to be examined by the said Court.

Shircore, *Attorney.*

In the matter of John Noble Mabert, an Insolvent.

In the matter of Krishnacoomar Laheree and Chunderseekur Laheree, Insolvents. } On Saturday, the 7th day of May instant, it was ordered that the hearing of these several matters do stand adjourned until Saturday, the 2nd day of July next, and that the order made in these matters for the *ad interim* protection of the said Insolvents from arrest be enlarged to the said 2nd day of July next, and that the said Insolvents do then respectively attend to be examined by the said Court.

Sherrington, *Attorney.*
Pittar and Payne, *Attorneys.*

In the matter of Kartickchurn Roy, an Insolvent.

In the matter of Hurrydoss Ghose and Brojomohun Paul, Insolvents. } On Saturday, the 7th day of May instant, it was ordered that the hearing of these several matters do stand adjourned until Saturday, the 4th day of June next, and that the order made in these matters for the *ad interim* protection of the said Insolvents from arrest be enlarged to the said 4th day of June next, and that the said Insolvents do then respectively attend to be examined by the said Court.

Orr and Goodall, *Attorneys.*

In the matter of Gungakaunt Bhadoory, an Insolvent ...

In the matter of Boycauntnauth Sadkhan, an Insolvent ...

In the matter of George Norton, an Insolvent ...

In the matter of Konnyaloll Dobay, an Insolvent ... } On Saturday, the 7th day of May instant, it was ordered that the hearing of these several matters do stand adjourned until Saturday the 2nd day of July next, and that the said Insolvents do then respectively attend to be examined by the said Court.

T. Owen, *Attorney.*
Sherrington, *Attorney.*
Swinhoe, Beeby and Leslie, *Attorneys.*
Linton, *Attorney.*

In the matter of Isaac Joseph Dock Cohen, of Portuguese Church Street, in Calcutta, Merchant, an Insolvent. } Notice that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 17th day of May instant, at the hour of 10 o'clock in the forenoon.

Insolvent in person.

☞ "*Any Creditor of the said Insolvent desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*"

Chief Clerk's Office, 10*th May* 1859.

Notice.

THE Interest and Responsibility of MR. WILLIAM GRANT and MR. DAVID BAIRD LINDSAY, in our Firm here and at Rangoon, and in the Firm of JAMES WYLLIE & Co., in London, ceased on this date by the effluxion of time.

GLADSTONE, WYLLIE & Co.

CALCUTTA,
The 30*th April* 1859.

Notice.

MR. PATRICK KEITH and MR. GEORGE ROSS have this day been admitted as Partners in our Firm here and at Rangoon.

GLADSTONE, WYLLIE & Co.

CALCUTTA,
The 30*th April* 1859.

Required.

A TRANSLATOR thoroughly conversant with English and Oordoo. His duties will be to translate and to superintend the Persian Office. Salary Rupees 100 per mensem. Apply to Deputy Commissioner, Pertaubghur *viâ* Allahabad, Oude.

Notice.

MR. JAMES CHURCH, JUNIOR, MR. DAVID BAIRD LINDSAY and MR. JAMES STEEL have this day commenced business as Merchants and Commission Agents under the firm of CHURCH, LINDSAY & Co.

Calcutta 2nd May 1859.

Notice.

MR. EDWARD JAMES LINDSAY is authorised to sign our Firm per procuration.

CHURCH, LINDSAY AND Co.

CALCUTTA,
2nd May 1859.

Notice.

THE Interest of MR. GEORGE GILBERT in our Concern ceased on the 30th April 1858.

JESSOP & Co.

Notice.

THE Interest and Responsibility of MR. GRAHAM MOORE ROBERTSON and MR. DUDLEY ROBERT SMITH, in our Firm ceased on the 30th April last.

The continuing Partners are MR. CHARLES BINNY SKINNER, MR. ROBERT JARDINE, MR. GEORGE BROWN, and MR. CLAUD HAMILTON BROWN.

JARDINE, SKINNER & Co.

CALCUTTA,
The 9th May 1859.

Notice.

THE Interest and Responsibility of MR. L. EMIL RUUTZ-REES in our Firm ceased, at his own request, on the 15th April last.

RUUTZ-REES & Co.

CALCUTTA,
The 10th May 1859.

Lost, Stolen or Destroyed.

THE under-mentioned Government Securities standing in the name of Nawab Afsur Bahoo, the Proprietor, by whom they were never endorsed to any other person. Payment of the Notes and of Interests thereupon have been stopped at the Loan Office, and application is about to be made to Government for the issue of duplicate Notes in favor of the Proprietor :—

No. 20972 of 1854-55, dated 30th June 1854, for Rs.						20000
„ 20973 „	„	„	„	„	„	20000
„ 20974 „	„	„	„	„	„	20000
„ 20975 „	„	„	„	„	„	20000
„ 20976 „	„	„	„	„	„	20000

NAWAB AFSUR BAHOO.

LUCKNOW,
The 30th April 1859.

Lost.

THE Government Promissory Note, No. 5775, of 1842-43, of the Four per Cent Loan, dated the 31st March 1842, for Company's Rupees Two thousand, originally standing in the name of Rajcoomar Roy, and last endorsed to Captain Duncan, Executive Engineer, 1st Division, Department Public Works, the proprietor. Payment of the above Note and of Interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate Note in favor of the Proprietor.

H. DE BOURBEL, *Captain*,
Offg. Ex. Engr., Barrackpore Divn.

BARRACKPORE,
The 3rd May 1859.

Lost, Stolen or Destroyed

IN transit, from the Accountant General's Office, Fort William, to Googaira, the Government Promissory Notes, No. 35605, of the 5 per Cent. Loan of 1856-57, dated the 28th February 1857, for Company's Rupees 1,000, and No. 35606, of the 5 per Cent. Loan of 1856-57, dated the 28th February 1857, for Company's Rupees 1,000, originally standing in the name of Baboo Brindabun Chunder Ghose, the Proprietor, and never endorsed to any body, and No. 14123, of the 5 per Cent. Loan of 1856-57, dated 28th February 1857, for Company's Rupees 1,000, originally standing in the name of Baboo Jadub Chunder Ghose, the Proprietor, and never endorsed to anybody. Payment of the above Notes and of Interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Notes in favor of the Proprietors,

JADUB CHUNDER GHOSE,
Sub-Assistant Surgeon,
Jhung, Punjab.

The 27th April 1859.

Lost, Stolen or Destroyed.

THE under-mentioned Government Promissory Notes, standing in the name of Charles Cawood, late of Futtyghur, the owner, by whom they were never endorsed to any person. Payment of the Notes and of Interest thereon has been stopped at the Loan Office, and application is about to be made for the issue of Duplicates :—

Particulars of the Government Securities.

3½ per Cent Loan, No. 221, of 1853-54, dated 28th February 1854, for Co.'s Rs.	1,000
Sixth 4 per Cent. Loan, No. 41540, of 1854-55, dated 30th June 1854, for Co.'s Rs. ...	2,000
Co.'s Rs.	3,000

J. WELCH,
Offg. Administrator General.

Lost.

A Bank of Bengal Note, No. 07059, for Company's Rupees 50, Payment has been stopped at the Bank.

Notice.

BANK Note, No. 07762, for Rupees 50, lost on 27th February, on the way to Office.

MOHES CHUNDER MOOKERJEE,
Clerk, E. T. Office, Benares.

Lost.

THE Government Promissory Note No. 3635, of the 5 per Cent Public Works Loan of 1854-55, dated the 12th March 1855, for Company's Rupees five hundred. Payment of the above Note, and of Interest thereupon, has been stopped at the Loan Office.

CHUNDOMONEY DOSSEE,
By her constituted Attorney,
HURRO CHUNDER GHOSE.

10*th May* 1859.

Notices issued by the Officiating Deputy Post-Master General of Bengal.

No. 5437.

The 21*st April* 1859.—SEALED TENDERS will be received at the Calcutta General Post Office for the repairs of three Post Office Vans, nine Accelerators, and one Dray, for a period of five years, from the 6th June 1859.

2. The Tenders will be received up to Friday, the 20th May, and will be opened on that day, at noon, in presence of all parties concerned.

3. A Deposit in Cash of (100) one hundred Rupees is required with each Tender, subject to forfeiture, if the Tender be withdrawn.

4. Information relative to conditions will be given in writing on application to this Office.

No. 77.

The 6th May 1859.—NOTICE is hereby given, that the letters for the Overland Mail despatched from this Office up to the 18th ultimo, were in time for the Steamer that left Bombay on the 26th idem.

No. 50.

MAIL PACKETS for the Overland Mail which leaves Bombay on the 23rd instant, will be closed at this Office, at 5 P. M., on the 14th *inst* Marseilles only.

Letters and Papers for transmission *viâ* Bombay will be received up to 6 P. M., on every day prior to the 14th instant :—

Rates of Postage.

Under	¼	oz.	... Rs.	0	6 0
,,	½	,,	... ,,	0	8 0
,,	¾	,,	... ,,	0	14 0
,,	1	,,	... ,,	1	0 0

CALCUTTA GENERAL POST OFFICE,
The 6th May 1859.

IT is hereby notified, that unless marked for particular Ships, all Letters received at the General Post Office between Monday, the 2nd May 1859, *and Sunday, the 8th May* 1859, *both dates inclusive, were despatched by the under-mentioned Vessels which sailed from Calcutta on dates specified :—*

Letters received on dates from and to	By what Ship despatched.	Bound to	REMARKS.
2nd to 3rd May 1859 ...	Steamer *Baltic* ...	Akyab Rangoon and Moulmein ...	Left Town on the 4th May 1859.
2nd to 3rd ,, ,, ...	Ship *Hyderee* ...	Mauritius ...	Left Town on the 4th ditto.
2nd to 6th ,, ,, ...	,, *Chowringhee* ...	Sydney ...	Left Town on the 7th ditto.

T. GARRETT,
Offg. Depy. Post-Master Genl.

CALCUTTA ;
General Post Office,
The 10*th May* 1859.

Printed and Published for the Government, by THOMAS JONES, *at the Office of the Bengal Secretariat, Calcutta.*

SUPPLEMENT TO

The Calcutta Gazette.

WEDNESDAY, MAY 11, 1859.

LAND SALE NOTICES.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Tirhoot, will be put up to public and unreserved Sale, for Arrears of Revenue, at the Office of the Collector of that District, on Thursday, the 12th May 1859, corresponding with 25th Bysack 1266 Fusleé:—

Class I.—Permanently-settled Estates.

No. 3.—Mouzah Sonepore, Pergunnah Ahir, recorded proprietors, Gyan Sing Doss and others; sudder jumma, rupees 300-6-5.

No. 73.—Mouzah Jownapore, Roodur and others, Pergunnah Balagatch; recorded proprietors, Jorawan Sing and others; sudder jumma, rupees 144-2-8.

No. 147.—Mouzah Jhuckrah Seikh, Tuppeh Bhutsullah, Pergunnah Birarah; recorded proprietors, Bukhtour Sing and others; sudder jumma, rupees 237-14-8.

No. 223.—Mouzah Mahomedpore, Pergunnah Bhallah; recorded proprietors, Jankee Jha and others; sudder jumma, rupees 543-6-6.

No. 375.—Mouzah Kulwarah, Chuck Kulwarah, Pergunnah Bhurwarrah; recorded proprietors, Roopnarain Doobey and others; sudder jumma, rupees 116-1-4. This Mehal is under Butwarrah, the rights and interests only of Bustee Misser, Mukhdoomun, Sheronarain Doobey, Hurjan Thakoor, Nehal Misser, Lutchmeenath Misser, Oogree Misser, Dhurm Dutt Misser, Buddree Thakoor, Mussumut Bebee Jeetun, Mussamut Hushmut oolnissa oorf Bebee Dhomun, Nath Jha, Shewdyal Doobey, Deonath Misser, Sheikh Budloo, Pudoomlall Mullick, Mussamut Ramdhunee Misserain, Kubeeroolnissa, Pultun Jha, Bhugowan dutt Thakoor, and Oochit Thakoor, Defendants, are to be sold.

No. 384.—Mouzah Judoo Mehree, Pergunnah Barail; recorded proprietors, Fuqnerollah and others; sudder jumma, rupees 122-10.

No. 408.—Mouzah Ghoograha, Pergunnah Barail; recorded proprietors, Bhugowuntnarin Sing and others; sudder jumma, rupees 439-13-6.

No 698.—Mouzah Bishonpore Hiraram and others, Chuckley Girjowl, Pergunnah Bisarah; recorded proprietors, Gopaul Doss and others; sudder jumma, rupees 430-11.

No. 766.—Mouzah Panapore, Seelowthur Chuckley Girjowl, Pergunnah Birarah; recorded proprietors, Dewlutram and others; sudder jumma, rupees 446-0-11.

No. 779.—Mouzah Rohoah Shah Mean, Chuckley Girjowl, Pergunnah Bisarah, recorded proprietors, Sheik Bohorah and others; sudder jumma, rupees 473-2-7.

No. 999.—Mouzah Rujwarah Dhee Chuckley Girjowl, Pergunnah Birarah; recorded proprietors, Dirghgopaul Sing and others; sudder jumma, rupees 58-2-3. This Mehal is under Butwarrah, the rights and interests only of Quhbul Misser, Bala Misser, Mussamut Sunsaree Kowur, Juggoo Misser, Pertaub Misser, Rungloll Misser, Senahoe Misser, Mussamut Buchunoo Kowur, Balchand Misser, Rughoobunsee Tewaree, and Gobind Tewaree, defendants, are to be sold.

No. 1187.—Mouzah Bhoojpore, Pergunnah Hajeepore, recorded proprietor, Lall Jee; sudder jumma, rupees 394-15-6.

No. 1211.—Mouzah Khilwut, Pergunnah Hajeepore; recorded proprietors, Kowur Mahto and others; sudder jumma, rupees 854-6-6.

No. 1385.—Mouzah Bishonpore Khord, Pergunnah Hattee; recorded proprietor, Jankeedutt Chowdry; sudder jumma, rupees 76-7-0.

No. 1509.—Mouzah Minahpore, Syud Mahmood, Pergunnah Hajeepore; recorded proprietors, Sheikh Fuzul Allee and others; sudder jumma, rupees 173-14-6.

No. 1516.—Mouzah Supta, Pergunnah Hajeepore; recorded proprietors, Lokurmun Opudhia and others; sudder jumma, rupees 115-2-9.

No. 1537.—Uz Ruqba Chooptah, Pergunnah Jubdee; recorded proprietor, Mussamut Sahuj Dye; sudder jumma, rupees 73-2-8.

No. 1550.—Uz Ruqba Sutghura, Pergunnah Jubdee; recorded proprietor, Urjoon Thakoor; sudder jumma, rupees 94-5-5.

No. 1653.—Uz Ruqba Doolarpore Byse, Pergunnah Kunowlee, Zillah Toorkee; recorded proprietors, Shah Kocdrutallee and others; sudder jumma, rupees 160-14-10.

No. 2022.—Mouzah Bhanduree Bhutowleah, Pergunnah Mchela, Zillah Toorkee; recorded proprietors, Shewlall Sing and others; sudder jumma, rupees 648-13-5.

No. 2057.—Mouzah Bishenpore Ram and others, Chuckley Nye, Pergunnah Bisarah; recorded proprietors, Chuckunlall and others; sudder jumma, rupees 311-10-8.

No. 2182.—Mouzah Khuleelpore, Chuckley Nye, Pergunnah Bisarah; recorded proprietors, Meer Mozuferallee and others; sudder jumma, rupees 221-1-11.

No. 2195.—Mouzah Sulahpore Boodhun, Chuckley Nye, Pergunnah Bisarah; recorded proprietors, Meer Gholaum Shah and others; sudder jumma, rupees 150-6-5.

No. 2229.—Mouzah Bhugowanpore Beerbul, Chuckley Nye, Pergunnah, Bisarah; recorded proprietors, Juggernath Sing and others; sudder jumma, rupees 194-13-0.

No. 2246.—Mouzah Bishenpore Dhunarjay, Chuckley Nye, Pergunnah Bisarah; recorded proprietors, Munsha Misser and others; sudder jumma, rupees 53-4-10.

No. 2585.—Mouzah Turownee, Pergunnah Puchimbheegoo; recorded proprietors, Goberdhun Roy and others; sudder jumma, rupees 50-10-8.

No. 2799.—Mouzah Etwarpore, Pergunnah Ruttee; recorded proprietors, Maharaj Sing and others; sudder jumma, rupees 71-9-6.

No 2800.—Mouzah Etwarpore, Pergunnah Ruttee; recorded proprietors, Nischul Sing and others; sudder jumma, rupees 67-6-0.

No. 3010.—Mouzah Hushunpore Sugawon, Pergunnah Sureisa; recorded proprietors, Birjbeharee Panday and others; sudder jumma, rupees 1,045-6-10. This Mehal is under Butwarrah, the rights and interests of Jowahur Panday, Puraoo Panday, Rowdee Panday, Juttee Panday, Beharee Panday, Byjun Panday, Jhugroo Panday, Goodur Panday, Munroop Panday, Umrit Panday, applicants, 14th parties, and Mussamut Keerutbutty Kowur, 15th party to the Butwarrah are to be sold.

No. 3062.—Mouzah Sumurtha, Pergunnah Sureisa; recorded proprietor, Boybeharee Lall; sudder jumma, rupees 467-6-8.

No. 3083.—Mouzah Kuleanpore Bomeya, Pergunnah Sureisa; recorded proprietors, Ameer Lall, sudder jumma, rupees 5,018-10-10. This Talook is under Butwarrah, the rights and interests only of Bundhoo Sing, Mowlee Sing, Chutterdhary Sing, Soodee Sing, Bheckdhary, Sing, Doomah Sing, Kowur Chowdry, Ramchunder Chowdry, Jeetun Chowdry, Booneead Chowdry, Goordyal Chowdry, Fuquera Roy, Shew Ram Roy, Gungapersaud, Doomee Loll, Ramdyal Jha, Hoolas Jha, Khukroo Jha, Bhyeah Ram Jha, Gholaub Jha, Kishnaram Jha, Runjeet Jha, Munoo Sing, Runnoo Sing, Hirdaynarain Sing, Shewdyal Sing, Hardhean Sing, Burmah Sing, Govinda Sing, Rameaun Sing, Rambux Sing, Bumoodee Sing, Pursun Sing, Dursun Sing, Ramgopaul Sing, Johahur Lall, Gunnesh Dutt, Busraj Sing, Boodhun Sing, Lulleetram, Neeladoss, Munrunjun Doss, Sree Kishun Doss, Joylall Misser, Choonnee Lall Misser, Joyanund Misser, Mootee Lall Misser, Hur Narain, Shewnarain, Bundhoo Jha, Gooroopersaud Sing, Rambhuroos Sing, Bhoopnarain Sing, Jankee Misraine, Kooldeepersaud Sham Jha, Rithlall Chowdry, Joorawan Chowdry, original heirs of Singessur Dutt Chowdry, Mussamut Sooha Kowur, mother and guardian of Karee Chowdry, and Banee Lall Chowdry, oorf Mukoonee Chowdry, minor sons and heirs of the late Jugomohun Chowdry, Barum Dutt Chowdry, Muncheet Chowdry, Ramsahal Sing and Mahtab Sing, Defendants, are to be sold.

No. 3253.—Mouzah Mooradpore, Pergunnah Sureisa; recorded proprietors, Surdha Sing and others; sudder jumma, rupees 65-15-4.

No. 3364.—Chuck Abdool Rusool, Pergunnah Sureisa; recorded proprietors, Meer Nuzuralee and others; sudder jumma, rupees 60-9-0.

No. 3392.—Mouzah Saracheah, Pergunnah Tilluckchawand; recorded proprietors, Rughoobeer Sing and others; sudder jumma, rupees 306-2-7.

No. 3393.—Mouzah Roopowlee Boozoorg, Pergunnah Sureisa; recorded proprietors, Bebee Bholun and others; sudder jumma, rupees 206-4-4.

No. 3499.—Mouzah Esa Chuck, Pergunnah Sureisa; recorded proprietors, Ramdial Jha and others; sudder jumma, rupees 206-4-4.

H. L. Dampier,
Offg. Collector.

Tirhoot;
Collector's Office,
The 16th April 1859.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estate, in Zillah Shahabad, will be put up to public and unreserved Sale, for Arrears of Revenue, at the Office of the Collector of that District, on Friday, the 20th May 1859, corresponding with 4th Jait 1266 F. S.:—

Class I.—Permanently-settled Estate.

No. 34.—Mehal Bhoputpoor, Pergunnah Arrah, Jankeeram, Chowaloll Sewsahae Sing, Muheepnarain, recorded proprietors; sudder jumma, rupees 261.

A. Hope,
Offg. Collector.

Shahabad Collectorate;
Buxar,
The 27th April 1859.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Balasore, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Monday, the 23rd May 1859, corresponding with the 11th Jeyst 1266 U., for demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 28th March 1859 :—

Class VI.—Estates to be sold on account of demands realizable in the same manner as Arrears of Revenue.

No. 325.—Kismut 10 annas, 12 gundahs, 2 cowrees of Mouzah Gokoolpore, Pergunnah Ayas; recorded proprietors, Mano Patur, Sadhoo Patur, Raghub Patur, Seeboo Patur, Mangobind Bhoian, Bhowanee Patur, Mudhoo Patur and Bhogwut Patur; sudder jumma of the whole Estate Rupees 68-5-6.

No. 810.—Kismut 9 annas, 6 gundahs, 2 cowree, 2 krants of Talook Heerapore, Pergunnah Tulsobung; recorded proprietors, Gungadhur Canoongoe, Bulbhudder Canoongoe, Rughoonath Mohapater, Jyekissen Mohapater, Juggernauth Mohapater and Brijokissore Mohapater; sudder jumma of the whole Estates Rupees 916-8-4.

V. H. SCHALCH,
Collector.

BALASORE COLLECTOR'S OFFICE,
The 5th May 1859.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Cuttack, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Saturday, the 28th May 1859, or 17th Jeyst 1266 U. S., for Arrears of Revenue :—

Class II.—Temporary-settled Estates.

No. 189.—Kismut 1 anna, 4 gundas, 2 cowrees, 2 krant and 3 bishwa, share in Talook Kumpgurh, Pergunnah Sooltannabad; recorded proprietor, Rugheonath Doss; sudder jumma of the whole Estate, rupees 258-7-11¾.

No. 923.—Talook Oorto, Pergunnah Autkuntah; recorded proprietor, Biddyadhur, Hurreechundun, Sawunt Singhar, Minor, Guardian Beelram Chowdree; sudder jumma, rupees 994-13-8.

No. 1175.—Kismut Talook Hurreehurpo; recorded proprietor, Joyram Doss; sudder jumma, rupees 192-2-1¾.

No. 1194.—Kismut Mouzah Barteerab, Pergunnah Hurreepore; recorded proprietors, Kuppeel, Doss and Ubdool Dyan; sudder jumma, rupees 192-4-11.

R. N. SHORE,
Collector.

ZILLAH CUTTACK;
Collector's Office,
The 14th May 1859.

PRINTED BY THOMAS JONES, AT THE BENGAL SECRETARIAT OFFICE.

No. 39.] [1157]

The Calcutta Gazette.

SATURDAY, MAY 14, 1859.

Legislative Council of India.

THE 30TH APRIL 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 29th April 1859, and is hereby promulgated for general information:—

ACT No. X OF 1859.

An Act to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.

Preamble.

WHEREAS it is expedient to re-enact with certain modifications the provisions of the existing law relative to the rights of ryots with respect to the delivery of pottahs and the occupancy of land, to the prevention of illegal exaction and extortion in connection with demands of rent, and to other questions connected with the same; to extend the jurisdiction of Collectors, and to prescribe rules for the trial of such questions, as well as of suits for the recovery of arrears of rent, and of suits arising out of the distraint of property for such arrears; and to amend the law relating to distraint; It is enacted as follows:—

Laws repealed.

I. The following Regulations and Acts and portions of Regulations and Acts are hereby repealed, except in so far as they repeal any other Regulation or Act, and except as to proceedings commenced before the date of this Act coming into force, namely—

Regulation XVII. 1793 *(to empower landholders to distrain and sell the personal property of ryots &c.)*,

So much of Regulation IV. 1794 *(to determine disputes regarding the grant of pottahs to ryots &c.,)* as is still in force,

Regulation XXXV. 1795 *(for better enabling individuals to recover arrears of rent or revenue due to them)*,

Regulation XLV. 1795 *(to empower landholders in the Province of Benares to distrain &c.)*,

Sections IX and X Regulation LI. 1795 *(respecting ryotty pottahs in the Province of Benares.)*,

Sections I to XX Regulation VII. 1799 *(to enable landholders to realize their rents with greater punctuality &c.)*,

Sections I to XX Regulation V. 1800 *(to enable landholders in the Province of Benares to realize their rents with greater punctuality &c.)*,

Regulation XXVIII. 1803 *(to empower landholders in the Ceded Provinces to distrain &c.)*,

Sections IX and X Regulation XXX. 1803 *(prescribing rules for the grant in the Ceded Provinces of pottahs to ryots &c.)*,

Section IV Regulation II. 1805 *(to provide a limitation of time for certain suits &c.)*,

Section XIX Regulation VIII. 1805 *(for extending certain Regulations to the Ceded and Conquered Provinces &c.)*,

Sections V to XXIII Regulation V. 1812 *(for amending some of the rules at present in force for the collection of the Land Revenue)*,

Sections XV and XVI Regulation XIX. 1817 *(for amending certain Regulations in force relative to process for recovery of arrears of rent)*,

Section XXVII Regulation XX. 1817 *(relating to resistance to distraint for arrears of rent &c.)*,

Sections XVIII and XIX Regulation VIII. 1819 *(relating to Putnee Talooks and the system established for the collection of rents generally &c.)*,

Section IV Regulation II. 1821 *(relating to the duties of City and Zillah Judges &c.)*,

Section XXII, and so much of Section XX and the following Sections of Regulation VII. 1822 *(relating to the settlement of the Land Revenue in the Ceded Provinces and Cuttack)* as apply to suits for rent, to complaints of excessive demand or undue exaction of rent, or of the non-delivery of pottahs or receipts, to suits against agents for money or accounts, or to any other suits or complaints arising out of disputes between landholders or farmers and their under-tenants respecting the rent and occupancy of land,

Regulation XIV. 1824 *(for modifying the rules in force for referring to the Collectors summary suits in cases of arrear or exaction of rent)*,

Regulation VIII. 1831 *(for amending the existing provisions relative to the trial of summary suits and claims for arrears or exactions of rent)*,

Act I of 1839 *(relating to the appointment of persons to sell property distrained for the recovery of arrears of rent)*,

Act X of 1846 *(for regulating the proceedings in certain cases of distraint for arrears of rent)*, and

Act VIII of 1848 *(to modify the provisions of Sections IX, X, XI, and XIII of Regulation V. 1812 of the Bengal Code)*.

Sections XIV and XV Regulation IX. 1833 *(for the more speedy decision of certain suits, and for enforcing the production of village accounts,)* so far as the same are applicable to the territories under the Government of the Lieutenant-Governor of Bengal, are also repealed.

Such parts of Regulation VIII. 1793 *(prescribing rules for the decennial settlement of the public Revenue in Bengal, Behar, and Orissa)*, and Regulation XXX. 1803, as relate to the adjudication of penalties for the refusal of pottahs and receipts for rent and for the exaction of any sums as abwab or in excess of the amount specified in any engagements for the payment of rent, and such parts of Section XXVI Act I of 1845 *(to amend Act No. XII of* 1841, *entitled "an Act for amending the Bengal Code in regard to sales of land for arrears of Revenue)"*, as relate to the enhancement of rents and the ejectment of tenants by the purchaser of an estate sold for arrears of Government Revenue, are declared subject to the following modifications.

Ryot entitled to a pottah.

II. Every ryot is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah containing the following particulars :

The quantity of land ; and where fields have been numbered in a Government survey, the number of each field.

The amount of annual rent.

The instalments in which the same is to be paid.

And any special conditions of the lease.

If the rent is payable in kind, the proportion of produce to be delivered, and the time and manner of delivery.

Ryots holding land at fixed rates to receive pottahs.

III. Ryots who, in the Provinces of Bengal, Behar, Orissa, and Benares, hold lands at fixed rates of rent, which have not been changed from the time of the permanent settlement, are entitled to receive pottahs at those rates.

If rent of land be not changed for 20 years.

IV. Whenever, in any suit under this Act, it shall be proved that the rent at which land is held by a ryot in the said Provinces, has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the permanent settlement, unless the contrary be shown, or unless it be proved that such rent was fixed at some later period.

Ryots having right of occupancy but not holding at fixed rates, to receive pottahs.

V. Ryots having rights of occupancy, but not holding at fixed rates, as described in the two preceding Sections, are entitled to receive pottahs at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shown in a suit by either party under the provisions of this Act.

Right of occupancy of ryot cultivating or holding land for 12 years.

VI. Every ryot who has cultivated or held land for a period of twelve years has a right of occupancy in the land so cultivated or held by him, whether it be held under pottah or not, so long as he pays the rent payable on account of the same ; but this rule does not apply to Khomar, neejjote, or seer land belonging to the proprietor of the estate or tenure and let by him on lease for a term or year by year, nor (as respects the actual cultivator) to lands sublet for a term or year by year by a ryot having a right of occupancy. The holding of the father, or other person from whom a ryot inherits, shall be deemed to be the holding of the ryot within the meaning of this Section.

Saving of terms of written contracts.

VII. Nothing contained in the last preceding Section shall be held to affect the terms of any written contract for the cultivation of land entered into between a landholder and a ryot when it contains any express stipulation contrary thereto.

Pottahs to which ryots not having rights of occupancy are entitled.

VIII. Ryots not having rights of occupancy are entitled to pottahs only at such rates as may be agreed on between them and the persons to whom the rent is payable.

Person granting pottah entitled to a counterpart engagement.

IX. Every person who grants a pottah is entitled to receive from the person to whom the pottah is granted a kubooliyet or counterpart engagement in conformity with the terms of the pottah. The tender to any ryot of a pottah such as the ryot is entitled to receive shall be held to entitle the person to whom the rent is payable to receive a kubooliyet from such ryot.

Exactions in excess of rent or receipt withheld.

X. Every under-tenant or ryot, from whom any sum is exacted in excess of the rent specified in his pottah, or payable under the provisions of this Act, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent damages not exceeding double the amount so exacted or paid. Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid ; and any refusal to make such specification shall be held to be a withholding of a receipt.

Form of receipt.

Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.

XI. The power heretofore vested in Zemindars and other landholders of compelling the attendance of their tenants for the adjustment of their rents or for any other purpose is withdrawn, and all such persons are prohibited from adopting any means of compulsion for enforcing payment of the rents due to them other than are authorized by the provisions of this Act.

Payment of rent to be enforced only under this Act.

Damages for extorting payment of rent by duress.

XII. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant or ryot by illegal confinement or other duress, such under-tenant or ryot shall be entitled to recover such damages, not exceeding in any case the sum of two hundred

Rupees, as may be deemed a reasonable compensation for the injury done him by such extortion. An award of compensation under this Section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law.

Enhancement of rent of ryot holding without, or after expiry &c. of written engagement.

XIII. No under-tenant or ryot, who holds or cultivates land without a written engagement not specifying the period of such engagement, or whose engagement has expired, or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or ryot, in or before the month of Cheit, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed. Such notice shall be served by order of the Collector on the application (which may be on plain paper) of the person to whom the rent is payable, and shall, if practicable, be served personally on the under-tenant or ryot. If for any reason the notice cannot be served personally upon the under-tenant or ryot, it shall be affixed at his usual place of residence, or if he have no such place of residence in the District in which the land is situate, the mode of service of such notice shall be by affixing it at the Mal cutcherry of such land or other conspicuous place thereon, or at the village Chowree or Chowpal or at some other conspicuous place in the village in which the land is situate.

Mode of contesting enhancement of rent.

XIV. Any under-tenant or ryot, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him, either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enhanced rent.

Dependent talookdar &c. holding land at fixed rent without change since permanent settlement not liable to enhancement of rent.

XV. No dependent talookdar or other person possessing a permanent transferable interest in land, intermediate between the proprietor of an estate and the ryots, who, in the Provinces of Bengal, Behar, Orissa, and Benares, holds his talook or tenure (otherwise than under a terminable lease) at a fixed rent, which has not been changed from the time of the permanent settlement, shall be liable to any enhancement of such rent, anything in Section LI Regulation VIII. 1793, or in any other law, to the contrary notwithstanding.

Rent of talookdar &c., not changed for twenty years to be *prima facie* evidence of occupancy at that rent since permanent settlement.

XVI. Whenever, in any suit under this Act, it shall be proved that the rent at which a talook or other tenure is held in the said Provinces has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that such talook or tenure has been held at that rent from the time of the permanent settlement, unless the contrary be shown, or it be proved that such rent was fixed at some later period.

Grounds on which ryot having right of occupancy is liable to enhanced rent.

XVII. No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him except on some one of the following grounds, namely :—

That the rate paid by him is below that prevailing in adjacent places.

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the value of the land &c. has increased independently of the ryot.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the quantity of land held by the ryot is greater than he has paid rent for.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

When ryot may claim abatement of rent.

XVIII. Every ryot having a right of occupancy shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by diluvion or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the ryot, or if the quantity of land held by the ryot has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

Relinquishment of land by ryot after notice given.

XIX. Any ryot who desires to relinquish the land held or cultivated by him, shall be at liberty to do so, provided he gives notice of his intention in writing to the person entitled to the rent of the land or his authorized agent in or before the month of Cheit of the year preceding that in which the relinquishment is to have effect. If he fail to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land. If the person entitled to the rent of the land or his agent refuse to receive any such notice and to sign a receipt for the same, the ryot may make an application on plain paper to the Collector who shall thereupon cause the notice to be served on such person or his agent in the manner provided in Section XIII.

What to be deemed an arrear of rent under this Act.

XX. Any instalment of rent which is not paid on or before the day when the same is payable according to the pottah or engagement, or, if there be no written specification of the time of payment, at or before the time when such instalment is payable according to established usage, shall be held to be an arrear of rent under this Act, and unless otherwise provided by written agreement, shall be liable to interest at twelve per centum per annum.

Liability of ryot to be ejected for arrear due.

XXI. When an arrear of rent remains due from any ryot at the end of the Bengal year or at the end of the month of Jeth of the Fusly or Willayutee year as the case may be, such ryot shall be liable to be ejected from

the land in respect of which the arrear is due.

Proviso.

Provided that no ryot, having a right of occupancy or holding under a pottah the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of farmer to have his lease cancelled for arrear adjudged due.

XXII. When an arrear of rent shall be adjudged to be due from any farmer or other lease-holder not having a permanent or transferable interest in the land, the lease of such lease-holder shall be liable to be cancelled, and the lease-holder to be ejected. Provided that no such lease shall be cancelled nor the lease-holder ejected otherwise than in execution of a decree or order under the provisions of this Act.

Proviso.

Cognizance of suits under this Act.

XXIII. 1. All suits for the delivery of pottahs or kubooliyets or for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered;

2. All suits for damages on account of the illegal exaction of rent or of any unauthorized cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress;

3. All complaints of excessive demand of rent, and all claims to abatement of rent;

4. All suits for arrears of rent due on account of land either kherajee or lakheraj, or on account of any rights of pasturage, forest-rights, fisheries, or the like;

5. All suits to eject any ryot or to cancel any lease on account of the non-payment of arrears of rent, or on account of a breach of the conditions of any contract by which a ryot may be liable to ejectment or a lease may be liable to be cancelled;

6. All suits to recover the occupancy or possession of any land, farm, or tenure, from which a ryot, farmer, or tenant has been illegally ejected by the person entitled to receive rent for the same;

7. All suits arising out of the exercise of the power of distraint conferred on Zemindars and others by Sections CXII and CXIV of this Act, or out of any acts done under color of the exercise of the said power as hereinafter particularly provided;

shall be cognizable by the Collectors of land revenue and shall be instituted and tried under the provisions of this Act and, except in the way of appeal as provided in this Act, shall not be cognizable in any other Court or by any other Officer or in any other manner.

Suits by Zemindars against their agents for money or accounts.

XXIV. Suits by Zemindars and others in receipt of the rent of land, against any agents employed by them in the management of land or collection of rents, or the sureties of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession, shall be cognizable by the Collectors, and shall be instituted and tried under the provisions of this Act, and shall not be cognizable in any other Court except in the way of appeal as provided in this Act.

Ejectment of cultivators, farmer, &c. by Zemindars.

XXV. If any Zemindar or other person in receipt of the rent of land requires assistance to eject any cultivator not having a right of occupancy, or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or tenancy, or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorized by any Regulation or Act, he shall make application to the Collector, and the Collector shall proceed thereupon to enquire into the case and pass orders in the manner provided for suits under this Act. Provided that no such application for the ejectment of a farmer on the determination of a lease shall be received, if the lease be of the kind denominated ticca zur-i-peshgee or the like, in which an advance has been made by the lease-holder, and the proprietor's right of re-entry at the end of the term is contingent on the re-payment of such advance either in money or by the usufruct of the land. In all such cases the parties must proceed by suit in the Civil Court.

Proviso.

Measurement of lands.

XXVI. When rent is payable by an under-tenant or ryot at a certain rate or rates according to the quantity of land held or cultivated by him, or when any written engagement conditioned for the payment of a certain amount of rent on account of land held or cultivated by an under-tenant or ryot has expired or become cancelled by the sale for arrears of revenue or rent of the estate or tenure in which the land is situate, the person to whom the rent is payable has a right to measure such land for the purpose of ascertaining the quantity of land actually held or cultivated by such under-tenant or ryot. And every proprietor of an estate or tenure has a right of making a general survey or measurement of the lands comprised in such estate or tenure unless restrained from doing so by express engagement with the occupants of the lands. If any person intending to measure any land which he has a right to measure is opposed in making such measurement by the occupant of the land, or if any under-tenant or ryot, having received notice of the intended measurement of land held or cultivated by him which is liable to such measurement, refuses to attend and point out such land, such person may make application to the Collector, and the Collector shall thereupon proceed to enquire into the case in the manner provided for suits under this Act, and shall pass an order either allowing or disallowing the measurement, and, if the case so require, enjoining or excusing the attendance of any such under-tenant or ryot. If any under-tenant or ryot after the issue of an order enjoining his attendance neglects to attend, it shall not be competent to him to contest the correctness of the measurement made in his absence.

Registry of transfers of talooks &c.

XXVII. All dependent talookdars and other persons possessing a permanent transferable interest in land intermediate between the Zemindar and the cultivator are required to register, in the Sherishteh of the Zemindar or superior tenant to whom the rents of their talooks or tenures are payable, all transfers of such talooks or tenures, or portions of them, by sale, gift, or otherwise, as well as all successions thereto, and divisions among heirs in cases of inheritance. And every Zemindar

or superior tenant is required to admit to registry and otherwise give effect to all such transfers, when made in good faith, and all such successions and divisions. If any Zemindar or superior tenant refuse to admit to registry or otherwise give effect to any such transfer or succession, the transferree or successor may make application to the Collector and the Collector shall thereupon proceed to enquire into the case in the manner provided for suits under this Act, and if no sufficient grounds are shown for the refusal, shall pass an order enjoining the Zemindar or superior tenant to admit to registry and otherwise give effect to such transfer or succession. Provided that no Zemindar or superior tenant shall be required to admit to registry or give effect to any division or distribution of the rent payable on account of any such tenure, nor shall any such division or distribution of rent be valid and binding without the consent in writing of the Zemindar or superior tenant.

Proviso.

XXVIII. So much of Section X Regulation XIX. 1793, Section X Regulation XLI. 1795, Section VI Regulation XXXI. 1803, Section XXI Regulation VIII. 1805, and Section XXIV Regulation XII. 1805, as authorizes and requires proprietors and farmers of estates and dependent talooks, in cases in which grants for holding land exempt from the payment of revenue have been made subsequent to the dates specified in the said Sections, of their own authority to collect the rents of such land and to dispossess the grantees of the proprietary right in the land and to re-annex it to the estate or talook in which it may be situate, is repealed; and any proprietor or farmer who may desire to assess any such land or to dispossess any such grantee shall make application to the Collector, and such application shall be dealt with as a suit under the provisions of this Act. Every such suit shall be instituted within the period of twelve years from the time when the title of the person claiming the right to assess the land or dispossess the grantee, or of some person claiming under him, first accrued. If such period has already elapsed, or will elapse within two years from the date of the passing of this Act, such suit may be brought at any time within two years from such date.

Applications to dispossess grantees of land exempt from revenue.

XXIX. All suits which under the provisions of this Act may be brought by or against Zemindars or other persons in the receipt of the rent of land, may be brought by or against Surburakars or Tuhseeldars of estates held under khas management, whether such estates are the property of Government or of individuals. If the Collector or the Suburakar or Tuhseeldar of any such estate in the Provinces of Bengal, Behar, and Orissa proceed against any defaulting ryot or under-tenant of such estate under the powers vested in him by Section XXV Regulation VII. 1799, and not according to the provisions of this Act, such ryot or under-tenant may contest the demand on account of which he is so proceeded against by suit in the Civil Court.

Suits by or against Surburakars or Tuhseeldars of estates held khas.

XXX. Except as otherwise herein provided, all suits instituted under this Act shall be commenced within the period of one year from the date of the accruing of the cause of action.

Time for commencement of suits generally.

XXXI. Suits for the delivery of pottahs or kubooliyets and for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered, may be instituted at any time during the tenancy.

Time for commencement of suits for grant of pottahs, &c.

XXXII. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal year, or from the last day of the month of Jeth of the Fusly or Willayuttee year in which the arrear claimed shall have become due. For arrears of rent due at the passing of this Act, suit shall be brought within three years after the passing of this Act; or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire. Provided that, if the suit be for the recovery of rent at a higher rate than was payable in the previous year, such rent having been enhanced after issue of notice under Section XIII and the enhancement not having been confirmed by any competent Court, the suit shall be instituted within three months from the end of the Bengal year or of the month of Jeth of the Fusly or Willayuttee year, on account of which such enhanced rent is claimed.

Time for the commencement of suits for arrears of rent.

Proviso.

XXXIII. Suits for the recovery of money in the hands of an agent or for the delivery of accounts or papers by an agent, may be brought at any time during the agency, or within one year after the determination of the agency of such agent, or in the case of claims now existing within one year after the passing of this Act or within the period now allowed for the institution of such suits in the Civil Court whichever may first expire. Provided that if the person having the right to sue shall, by means of fraud, have been kept from the knowledge of the receipt of any such money by the agent, or if any fraudulent account shall have been rendered by the agent, the suit may be brought within one year from the time when the fraud shall have been first known to such person; but no such suit shall in any case (except the case of claims now existing as aforesaid) be brought at any time exceeding three years from the termination of the agency.

Time for the commencement of suits against agents for money, papers, or accounts.

Proviso.

XXXIV. Suits under this Act shall be instituted by presenting to the Collector a plaint or statement of claim which shall contain the name, description, and place of abode of the plaintiff; the name, description, and place of abode of the defendant, so far as they can be ascertained; the substance of the claim, and the date of the cause of action.

Mode of instituting suits. Form of plaint or statement of claim.

XXXV. The statement of claim shall be presented by the plaintiff, or by an authorized agent of the plaintiff who has personal knowledge of the facts of the case, or by an agent who shall be accompanied by a person who has such knowledge.

Statement by whom to be presented.

XXXVI. The statement of claim shall be subscribed and verified at the foot by the plaintiff or his agent in the manner following, or to the like effect:

Verification of statement.

I. A. B. do declare that the above statement is true to the best of my knowledge and belief.

If the statement shall contain any averment which the person making the verification shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence.

Punishment for false verification.

XXXVII. In suits for the recovery of arrears of rent or of money in the hands of an agent, the statement of claim shall be written on paper bearing a stamp of one-fourth the value prescribed for suits instituted in the Civil Court. In all other suits the statement shall be written on paper bearing a stamp of the value of eight annas. No stamp shall be required in respect of the production or filing of any document, or the summoning of any witness, or of any application for the execution of any order or judgment passed in a suit under this Act.

Statement of claim to be written on stamped paper.

No stamp duty to be required for filing documents &c.

XXXVIII. If the plaintiff rely in support of his claim on any document in his possession, he shall deliver the same to the Collector at the time of presenting his statement of claim. Unless such document be delivered in, or its non-production be sufficiently excused, or unless the Collector see fit to extend the time for producing the same, it shall not afterwards be admitted.

Documentary evidence to be produced by plaintiff.

XXXIX. If the plaintiff require the production of any document in the possession or power of the defendant, he may at the time of presenting his statement of claim, deliver to the Collector a description of the document in order that the defendant may be required to produce the same.

If plaintiff require production of document from defendant.

XL. If the suit be for the recovery of an arrear of rent, the statement shall specify the name of the village and estate, and of the Pergunnah or other local division in which the land is situate; and if the arrear is alleged to be due from any ryot, the quantity of land, and where fields have been numbered in a Government Survey, the number of each field; the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due.

Form of plaint in suits for arrears of rent.

XLI. If the suit be for the ejectment of a ryot, farmer, or tenant, from any land, farm, or tenure, or for the recovery of the occupancy or possession of any land, farm, or tenure, the statement shall describe (as circumstances may require) the extent, situation, and designation of the same; and if necessary for the identification of the land, shall set forth the boundaries of such land.

Form of plaint in suits for ejectment of ryot, &c., or for recovery of occupancy or possession of land, &c.

XLII. If the statement of claim do not contain the several particulars herein before required to be specified therein, or be not subscribed and verified as hereinbefore required, the Collector may return the statement to the plaintiff, or at his discretion allow it to be amended.

Statement may be returned or allowed to be amended.

XLIII. If the statement of claim be in proper form, the Collector, except as otherwise hereinafter especially provided, shall direct the issue of a summons to the defendant, and if the plaintiff require the personal attendance of the defendant, and satisfy the Collector that such personal attendance is necessary, or the Collector of his own accord require such personal attendance, the summons shall contain an order for the defendant to appear personally on a day to be specified in the summons, otherwise the summons shall order the defendant to appear personally or by an agent duly authorized on his behalf, who has personal knowledge of the subject, or who shall be accompanied by a person who has such personal knowledge.

Issue of summons; personal attendance of defendant may be required.

XLIV. The day to be specified in the summons shall be fixed with reference to the state of the file and the distance that the defendant may be or be supposed to be at the time from the place where the Court is held, and the summons shall order the defendant to produce any document which he may have in his possession, of which the plaintiff demands inspection, or upon which the defendant may intend to rely in support of his defence. It shall also enjoin him to bring with him his witnesses if they are willing to attend without issue of process; and shall be in the form A contained in the Schedule to this Act, or to the like effect.

The day to be specified in the summons how to be fixed. Defendant to be ordered to produce necessary documents, and to bring witnesses willing to attend without process.

XLV. The summons shall be served by delivering a copy of the summons to the defendant personally when practicable; or if the summons cannot be served on the defendant personally, by affixing a copy of it to some conspicuous part of his usual place of abode, and also affixing a copy of the same in the Collector's Office.

Summons how to be served.

XLVI. If the summons be served personally, the Nazir shall endorse on the summons the fact of such service. If personal service be not effected, the Nazir shall endorse on the summons the reason of not serving it personally, and how it has been served.

Endorsement by Nazir if summons has been personally served or not.

XLVII. If the usual place of abode of the defendant be in another District, the summons, together with the cost of the service thereof, shall be sent by the public post to the Collector of such District, who shall issue the summons, and return the same, after service, with the prescribed endorsement, to the Officer by whom it was transmitted to him.

Execution of process in another District.

XLVIII. The amount of the cost of serving the summons, or if a warrant be issued as provided in the next succeeding Section, of serving the warrant, shall in all cases be deposited in Court upon the same day or the day next following that on which the plaint or statement of claim is presented to the Collector. If the said amount be not so deposited (except in cases in which the Collector may allow the issue of summons free of cost under the discretion reserved to him in Section CXLVI), the case shall not be brought on the file of suits: but in such case the plaintiff may present another plaint at any time within the period allowed by the rules for the limitation of actions.

Cost of serving summons or warrant to be deposited in Court.

XLIX. If in any suit against an under-tenant or ryot for the recovery of an arrear of rent, or against an agent for the recovery of any money, papers, or accounts, the plaintiff desires a warrant of arrest to be issued against the defendant, such defendant being resident within the district in which the suit is instituted, he shall present with his statement of claim an application for the issue of such warrant. When such application is presented, the Collector shall examine the plaintiff or his agent, on his oath or affirmation or otherwise according to the law for the time being in force in relation to the examination of witnesses, and inspect the documents adduced by him in support of his claim, and if there be *primâ facie* grounds for believing the claim to be well-founded, and that, if a summons be issued, the defendant will abscond instead of appearing to answer the claim, the Collector may issue a warrant for the arrest of the defendant. The Collector shall fix a reasonable time for the return of the warrant which shall be in the form (B) contained in the Schedule to this Act, or to the like effect, and the Officer entrusted with the service of the warrant shall at the time of arresting the defendant deliver to him a notice addressed to the defendant (which shall be in the form (C) in the Schedule or to the like effect) containing the particulars of the claim, and requiring the defendant, if he contest the claim, to bring with him any document upon which he may intend to rely in support of his defence. But no such warrant shall be issued in a suit for arrears of rent due in respect of a dependent talook or other transferable tenure, which, as hereinafter provided, is liable to sale in execution of any decree which may be passed in the case.

Warrant of arrest in what cases to be issued.

L. If a defendant be arrested under the warrant of arrest, he shall be brought with all convenient speed before the Collector, and the Collector shall commit him to custody unless he deposit in Court such sum as may be specified in the notice.

Procedure after arrest of defendant.

LI. When a defendant is brought before the Collector under warrant, the Collector shall with all convenient speed proceed to try the case in the manner hereinafter provided; and if the suit cannot be at once adjudicated, the Collector may, if he think fit, require the defendant to give security for his appearance whenever the same may be required at any time whilst the suit is depending or until execution of the final decree which may be passed thereon, and may commit the defendant to the Civil jail to be there detained until he shall furnish such security or deposit such sum as the Collector shall order. The security bond shall be in the form (D) contained in the Schedule to this Act or to the like effect.

Procedure when defendant is brought before the Collector under warrant.

Form of security bond.

LII. If the defendant cannot be arrested under the warrant, the Collector, on the application of the plaintiff, shall either postpone the case for such period as he may think proper in order that the plaintiff may apply within the said period for another warrant to be issued for the arrest of the defendant, or shall forthwith issue a proclamation to be affixed in his own Office and at the residence of the defendant fixing a day for the hearing of the case, which shall not be less than ten days from the date of the publication of the notice at the residence of the defendant. If the defendant shall appear in pursuance of the proclamation, he shall be dealt with as provided in the last preceding Section.

Procedure if warrant of arrest cannot be served upon the defendant.

LIII. If it shall appear to the Collector that the arrest of the defendant was applied for without reasonable cause, the Collector may in his decree award to the defendant such sum not exceeding one hundred Rupees as he may deem a reasonable compensation for any injury or loss which the defendant may have sustained by reason of such arrest, or of his detention in jail during the pendency of the suit.

Compensation for arrest applied for without reasonable cause.

LIV. If on the day fixed by the summons or proclamation for the appearance of the defendant, or on any subsequent day to which the hearing of the case may be adjourned prior to the recording of an issue for trial as hereinafter provided, neither of the parties appear in person or by an agent, the case shall be struck off, with liberty to the plaintiff to bring a fresh suit unless precluded by the rules for the limitation of action.

Consequence of neither party appearing on the day of trial.

LV. If on any such day the defendant only appear, the Collector shall pass judgment against the plaintiff by default unless the defendant admit the cause of action, in which case the Collector shall proceed to give judgment for the plaintiff upon such admission without costs; provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.

If defendant only appear to dispute the demand, Collector shall pass judgment by default; but if defendant admit the claim, Collector shall decree upon such admission.

Proviso.

LVI. If on any such day the plaintiff only appear, the Collector, upon proof that the summons or proclamation has been duly served according to the provisions of this Act, shall proceed to examine the plaintiff or his agent, and after considering the allegations of the plaintiff, and any documentary or oral evidence adduced by him, may either dismiss the case or postpone the hearing of it to a future day for the attendance of any witness the plaintiff may wish to call, or may pass judgment *ex parte* against the defendant.

If plaintiff only appear, Collector may proceed *ex parte*.

LVII. If the defendant shall appear on any subsequent day to which the hearing of the suit may be postponed under the last preceding Section, the Collector may, upon such conditions, if any, as to costs or otherwise as he may think proper, allow the defendant to be heard in answer to the suit as if he had appeared on the day fixed for his attendance.

If defendant appear on a day to which the case is postponed, Collector may allow him to be heard in answer to the suit.

LVIII. No appeal shall lie from a judgment passed *ex parte* against a defendant who has not appeared, or from a judgment against a plaintiff by default for non-appearance. But in all such cases if the party against whom judgment has been given shall appear, either in person or by agent, if a plaintiff within fifteen days from the date of the Collector's order, and if a defendant within fifteen days after any process for enforcing the judgment has been executed, or at any earlier period, and shall show good and sufficient cause for his previous non-appearance and shall satisfy the Collector that there has been a failure of justice, the Collector may, upon such terms and conditions as to costs or otherwise as he may think proper, revive the suit and alter or rescind the decree, according to the justice of the case. But no decree shall be reversed or altered without previously summoning the adverse party to appear and be heard in support of it.

Revival, reversal, and alteration of decrees *ex parte* or by default.

LIX. When both parties appear in person or by agent on the day named in the summons, or upon any subsequent day to which the hearing of the case may be adjourned, for sufficient reason to be recorded by the Collector, the Collector shall proceed to examine such of the parties as may be present, and either party or his agent may cross-examine the other. If either of the parties be not bound to attend personally, any agent by whom he shall appear, or any person who shall accompany such agent, shall be examined and cross-examined in like manner as the party himself would have been if he had attended personally. At the time of examination the defendant, if he think fit, may file a written statement of his defence.

On appearance of parties, the parties to be examined by the Collector, and may cross-examine each other.

LX. The examination of the parties or their agents or such other persons as aforesaid shall be upon oath or affirmation or otherwise according to the law for the time being in force relative to the examination of witnesses. The substance of the examination shall be reduced to writing in the vernacular language of the Collector and filed with the record.

Examination of parties, &c.

LXI. If either of the parties shall bring forward a witness on such day, the Collector may take the evidence of such witness.

Witnesses to be examined.

LXII. If the defendant rely on any document in support of his defence, he shall deliver the same into Court at the first hearing of the suit; and unless such document be so delivered in, or its non-production be sufficiently excused, or unless the Collector see fit to extend the time for producing the same, it shall not afterwards be admitted.

Documentary evidence to be produced by defendant.

LXIII. If after the examination required by Section LIX and also the examination of any witness who may attend to give evidence on behalf of either of the parties, and after a consideration of the documentary evidence adduced, a decree can be properly made without further evidence, the Collector shall make his decree accordingly.

After examination, Collector may make his decree if no further evidence is required.

LXIV. If on such examination as aforesaid the agent of either party be unable to answer any material question relating to the case which the Collector is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Collector may postpone the hearing of the case to a future day, and direct that the party whose agent may have been unable to answer as aforesaid shall attend in person on such day; and if the party so directed to attend shall fail to appear in person on the day appointed, the Collector may pass judgment as in case of default or make such other order as he may deem proper in the circumstances of the case.

Consequence of inability of agent to answer.

LXV. If on such examination as aforesaid it appear that the parties are at issue on any question upon which it is necessary to hear further evidence, the Collector shall declare and record such issue, and shall fix a convenient day for the examination of witnesses and the trial of the suit; and the trial shall take place on that day unless there be sufficient reason for adjourning it, which reason shall be recorded by the Collector.

If necessary, Collector to record issue and to fix a day for hearing further evidence.

LXVI. The parties shall bring forward their witnesses on the day of trial, and if either party require assistance to procure the attendance of a witness on such day either to give evidence or to produce a document, he shall apply to the Collector in sufficient time before the day fixed for the trial, to enable the witness to be summoned to attend on that day; and the Collector shall issue a summons requiring such witness to attend.

Parties shall produce their witnesses on the day of trial; or Collector on application of either party, shall issue summons for the attendance of a witness.

LXVII. The provisions of the Regulations and Acts and all other rules for the time being in force relating to the evidence of witnesses, for procuring the attendance of witnesses and the production of documents, and for the examination, remuneration, and punishment of witnesses, whether parties to the case or not, in cases before the Civil Courts of the Presidency of Bengal, shall, except so far as the same may be inconsistent with the provisions of this Act, apply to and be of equal force and effect in suits under this Act.

Rules regarding attendance, examination, &c. of witnesses.

LXVIII. If on the day fixed for the trial of any issue neither of the parties appear, the case shall be struck off under the conditions provided in Section LIV. If on any such day one only of the parties appear, the issue may be tried and deter-

Consequence of parties not appearing on the day fixed for the trial of any issue.

mined in the absence of the other party upon such proof as may be then before the Court.

Suits instituted or defended by Naibs, Gomastahs, &c.

LXIX. When suits under this Act are instituted or defended by Naibs, Gomastahs, or other persons employed in the collection of rent or management of land in the name and on the behalf of the landholders by whom they are so employed, all the provisions of this Act, by which the personal appearance or attendance of parties to a suit is or may be required, shall be applicable to such Naibs, Gomastahs, or other persons; and any thing which by this Act is required or permitted to be done by a party in person, may be done by any such person as aforesaid. Processes served on any such person shall be as effectual for all purposes in relation to the suit as if the same had been served on the landholder in person, and all the provisions of this Act relative to the service of processes on a party to the suit shall be applicable to the service of processes on such person.

Personal attendance of plaintiff or defendant not required in certain cases.

LXX. A plaintiff or defendant shall not be required to attend in person if of the female sex and of a rank or class which according to the custom and manners of the country would render it improper for her to appear in public.

Employment of authorized agents or mookhtars.

LXXI. Any party to a suit may employ an authorized agent or mookhtar to conduct the case on his behalf, but the appointment of such agent or mookhtar shall not excuse the personal attendance of the plaintiff or defendant in cases where his personal attendance is required by the summons or any order of the Court; and no fee for any agent shall be charged as part of the costs of suit in any case under this Act.

Collector may grant time or adjourn hearing.

LXXII. The Collector may in any case grant time to the plaintiff or defendant to proceed in the prosecution or defence of a suit, and may also from time to time, in order to the production of further proof or for other sufficient reason to be recorded by the Collector, adjourn the hearing or further hearing of any case in such manner as to him may seem fit.

Collector may cause local enquiry to be made.

LXXIII. The Collector may at any stage of a case cause a local enquiry and report respecting the matter in dispute to be made by any Officer subordinate to him, or by any other Officer of Government with the consent of the authority to whom such Officer is subordinate, or may himself proceed to the spot and make such local enquiry in person. The provisions of the law for the time being in force relative to local enquiries by Ameens or Commissioners under orders of the Civil Courts shall apply to any local enquiry made by any Officer under this Section, and, so far as they are applicable, to enquiries made by the Collector in person. In the latter case the Collector, after completing the enquiry, shall record on the proceedings such observations as appear to him appropriate, and the observations so recorded shall be received as evidence in the suit.

Defendant may pay money into Court in satisfaction of the demand.

If plaintiff elect to proceed and ultimately recover no further sum than that paid into Court, he shall be liable to the subsequent costs.

LXXIV. The defendant in any action under this Act may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment, and such sum shall be paid to the plaintiff. If the defendant deposit less than the sum claimed and the plaintiff elect to proceed in the case, and ultimately recover no further sum than shall have been paid into Court, the plaintiff shall be charged with any costs incurred by the defendant in the suit after such payment.

No interest on deposits.

LXXV. No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

If on trial of suit for delivery of pottah parties do not agree as to the time for which the pottah is granted, Collector to fix the time.

Proviso.

LXXVI. If on the trial of a suit for the delivery of a pottah instituted by a ryot having a right of occupancy the parties do not agree as to the term for which the pottah is to be granted, the Collector shall fix such term as under the circumstances of the case he may think just and proper. Provided that the term shall not in any case be longer than ten years, and in estates not permanently settled shall not extend beyond the period for which the proprietor of the estate has engaged with Government. Provided also that, if the defendant be a farmer or other person having only a temporary interest in the land, the term of the pottah shall not extend beyond the period of the continuance of such interest. For cultivators not having a right of occupancy, the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

If in actions for rent a third claimant appear, he is to be made a party to the suit.

Proviso.

LXXVII. When in any suit between a landholder and a ryot or under-tenant under this Act, the right to receive the rent of the land or tenure cultivated or held by the ryot or under-tenant is disputed, and such right is claimed by or on behalf of a third person on the ground that such third person or a person through whom he claims has actually and in good faith received and enjoyed such rent before and up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by such third person shall be enquired into and the suit shall be decided according to the result of such enquiry. Provided always that the decision of the Collector shall not affect the right of either party, who may have a legal title to the rent of such land or tenure, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

Suits for ejectment or cancelment of lease.

LXXVIII. Any person desiring to eject a ryot or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancelment and

for recovery of the arrear in the same action, or may adduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit for such ejectment or cancelment. In all cases of suits for the ejectment of a ryot or the cancelment of a lease, the decree shall specify the amount of the arrear, and if such amount together with interests and costs of suit be paid into Court within fifteen days from the date of the decree, execution shall be stayed.

Judgment how to be pronounced.

LXXIX. The Collector shall pronounce judgment in open Court. The judgment shall be written in the Vernacular language of the Collector and shall contain the reasons for the same, and shall be dated and signed by the Collector at the time when it is pronounced.

If person required by the decree refuse to grant pottah, Collector may do so.

LXXX. When a decree is given for the delivery of a pottah, if the person required by the decree to grant such pottah refuse or delay to grant the same, the Collector may grant a pottah in conformity with the terms of the decree under his own hand and seal, and such pottah shall be of the same force and effect as if granted by the person aforesaid.

Refusal of person to execute kubooliyet as required by the decree.

LXXXI. When a decree is given for the delivery of a kubooliyet, if the person required by the decree to execute such kubooliyet shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree under the hand and seal of the Collector shall be of the same force and effect as a kubooliyet executed by the said person.

Mode of executing decree for ejectment or re-instatement of ryot.

LXXXII. If the decree be for the ejectment of any ryot from land occupied by him, or for the re-instatement of any ryot in the occupancy of land from which he has been ejected, the decree shall be executed by giving the possession or occupancy of the land to the person entitled by the decree to such possession or occupancy. If any opposition is made to the execution of the order for giving such possession or occupancy by the party against whom the order is made, the Magistrate, on the application of the Collector, shall give effect to the same.

Punishment for obstructing execution.

Mode of executing decree for cancelment of a lease or for ejectment or re-instatement of a farmer or tenant.

LXXXIII. If the decree be for the cancelment of any lease or the ejectment of any farmer or other person (not being an actual cultivator) or for the re-instatement of any farmer or other such person in the possession of a farm or tenure from which he has been ejected, the decree shall be executed by proclaiming the substance of the decree to the cultivators or other occupants by beat of drum or in such other manner as may be customary, and affixing the same in some conspicuous place within or adjacent to the farm or tenure.

In what case a judgment debtor may be detained or imprisoned without issue of process of execution.

LXXXIV. If the decree be for arrears of rent or for money, papers, or accounts, and the defendant have been committed to jail or appear pursuant to the conditions of any security bond given under Section LI, the Collector may order that he be detained in or committed to the Civil jail, unless he immediately pay into Court the amount of the decree with costs, or otherwise comply with the terms of the decree.

Liability of surety on failure to deliver judgment-debtor into custody.

LXXXV. If the judgment-debtor have given security for his appearance and be not present when judgment is pronounced, and the surety shall fail to deliver him into custody when required so to do, process of execution may be taken out against the surety in the same manner as if a decree for the amount due by the debtor had been passed against the surety. If the decree be for the delivery of papers or accounts, and the defendant be not present when judgment is pronounced and the surety shall fail to deliver him into custody when required so to do, execution may be taken out against the surety for the sum due under the bond in the same manner as if a decree for that sum had been passed against the surety.

Issue of process of execution.

LXXXVI. Process of execution may be issued against either the person or the property of a judgment-debtor; but process shall not be issued simultaneously against both person and property. Process of execution against the person or moveable property of a debtor shall be in the form (E) or (F) contained in the Schedule to this Act, or to the like effect.

Application for execution against moveable property.

LXXXVII. Any moveable property required to be seized under an execution shall, if practicable, be described in a list to be furnished by the judgment-creditor, but if the creditor is unable to furnish such list he may apply for a general attachment of the debtor's effects to the amount of the judgment and costs. In either case the property to be seized shall be pointed out to the Officer entrusted with the execution of the process by the creditor or his agent.

How long warrant shall continue in force.

LXXXVIII. Every warrant of execution shall bear date on the day on which it is signed by the Collector and shall continue in force for such period as the Collector may direct, not being more than sixty days calculated from such date.

Second and successive warrants.

LXXXIX. Second and successive warrants of execution may be issued by order of the Collector on the application of the judgment-creditor after the expiration of the period fixed for the continuance in force of a previous warrant.

After one year execution not to issue without notice.

XC. Process of execution shall not be issued upon any judgment without previous notice to the party against whom execution is applied for, if, when application for the issue of the process is made, a period of more than one year shall have elapsed from the date of the judgment or from the date of the last previous application for execution.

Execution not to issue against heir or representative of a deceased party without notice.

XCI. Execution on a judgment shall not issue against the heir or other representative of a deceased party without notice to such heir or other representative to appear and be heard.

XCII. No process of execution of any description whatsoever shall be issued, on a judgment under this Act, after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred Rupees, in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the Civil Courts.

No process of execution to be issued three years after date of judgment.

XCIII. If a warrant issue for taking in execution the body of any person, the Officer charged with the execution of the warrant shall bring him with all convenient speed before the Collector. If such person shall not then deposit in Court the full amount specified in the warrant or make such arrangement for the payment of the same as shall be satisfactory to the judgment-creditor, or satisfy the Collector that he has no present means of paying the debt, the Collector shall send him to the Civil jail there to remain for such time as shall be directed by a warrant addressed to the keeper of the jail, unless he shall in the meantime pay the full amount for the payment of which he is liable under the decree. Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed three calendar months when the amount decreed exclusive of costs does not exceed fifty Rupees, or six calendar months when such amount does not exceed five hundred Rupees, or two years in any other case. If the decree against any person arrested under a warrant be for the delivery of papers or accounts and the papers or accounts shall not be delivered by him when he is brought before the Collector, such person may be committed to the Civil Jail there to remain for such time not exceeding six calendar months as the Collector shall direct, unless he shall in the meantime deliver the papers or accounts according to the terms of the decree.

Warrant against the person.

Limit of imprisonment.

If arrest be for non-Delivery of accounts.

XCIV. Any person once discharged from jail shall not be imprisoned a second time under the same judgment. If the amount due under the decree do not exceed one hundred Rupees, the Collector may declare such discharged person absolved from further liability under that decree. In other cases the discharge shall not extinguish the liability of the discharged person under the decree, or exempt any property belonging to such person from attachment in execution of the same.

No person to be imprisoned a second time under same judgment.

XCV. Any person applying for a warrant of arrest under Section XLIX or suing out process of execution against the body of any person, shall deposit in Court, at the time of issue of the warrant, diet-money for one month of thirty days at such rate as the Collector may direct, not exceeding two annas per diem, unless the Collector for any special reason direct that deposit be made at a higher rate, which shall not exceed four annas per diem.

Diet-money to be deposited at the time of issue of warrant.

XCVI. Payment of diet-money at the same rate shall be made previously to the commencement of each succeeding month of the imprisonment, in failure of which the party confined shall be discharged.

Payment of diet-money in advance during imprisonment.

XCVII. All diet money spent in providing subsistence for any prisoner shall be added to the costs in the suit, and any diet-money not so spent shall be returned to the person who deposited the same.

Diet-money to be costs in suit.

XCVIII. In executing a writ of execution against the moveable property of a debtor liable under this Act, the Officer charged with the execution of the writ shall prepare a list of the property pointed out by the judgment-creditor, and shall publish a proclamation specifying the day upon which the sale is intended to be held together with a copy of the said list at the intended place of sale and at the residence of the debtor. A copy of the said proclamation and list shall be transmitted to the Collector and shall be affixed in his Office.

List of property to be prepared and proclamation of sale to be published &c.

XCIX. No sale of any moveable property taken in execution shall be made until after the end of ten days next following the day on which such property may have been so taken. Until such sale the property shall be deposited in some fit place or it may remain in custody of some fit person approved by the Officer executing the writ. The provisions of Sections CXXIX to CXXXIII, so far as the same are applicable, shall be applied to sales under this Section.

Custody and sale of moveable property taken in execution.

C. If before the day fixed for the sale a third party appear before the Collector and claim a right or interest in any of the moveable property taken in execution, the Collector shall examine such party or his agent on oath or affirmation or otherwise, according to the law for the time being in force relative to the examination of witnesses, and if he see sufficient reason for so doing may stay the sale of such property.

Collector may stay sale of moveable property seized if a third party claim any interest therein.

CI. The Collector shall adjudicate upon such claim and make such order between the claimant and the plaintiff and defendant in the original suit as shall seem fit. In trying such claim the Collector shall be guided by the rules contained in this Act so far as they may be applicable.

Collector to adjudicate such claims.

CII. If the claimant shall fail to establish his right to the property taken in execution, the Collector at the time of disposing of the case may award to the judgment-creditor against such claimant as part of the costs such sum as he may consider sufficient to cover any loss of interest or damage which the judgment-creditor may have sustained by reason of the postponement of the sale of the property.

Claimant failing to establish his right, liable to pay compensation to judgment-creditor.

CIII. No appeal shall lie from any order passed by the Collector under the two last preceding Sections. But the party against whom the same may be given shall be at liberty to bring a suit in the Civil Court to establish his right at any time within one year from the date of the order; provided that, if the order be for the sale of the property, the suit shall not be for the recovery of the property, but shall be for damages against the judgment-creditor by whom the property was brought to sale.

No appeal from order of Collector under the two last preceding Sections.

Proviso.

CIV. No irregularity in publishing or conducting a sale of moveable property under an execution shall vitiate such sale, but this rule shall not be held to deprive any person who may sustain damage by reason of such irregularity from recovering such damage by action in the Civil Court; provided such action be brought within one year from the date of sale.

Sale not vitiated by irregularity in publishing or conducting the same.

Proviso.

CV. If the decree be for an arrear of rent due in respect of an under-tenure, which by the title-deeds or the custom of the country is transferable by sale, the judgment-creditor may make application for the sale of the tenure, and the tenure may thereupon be brought to sale in execution of the decree, according to the rules for the sale of under-tenures for the recovery of arrears of rent due in respect thereof contained in any law for the time being in force. But no such application shall be received when a warrant of execution has been previously issued against the person or moveable property of the judgment-debtor, so long as such warrant remains in force. If after sale of an under-tenure any portion of the amount decreed remains due, process may be applied for against any other property, moveable or immoveable, belonging to the debtor, and any such immoveable property may be brought to sale in the manner provided in Section CX of this Act.

Sale of transferable tenures in execution of decrees for arrears of rent.

CVI. If before the day fixed for the sale of any such under-tenure as aforesaid in execution of a decree for arrears of rent due in respect of such under-tenure, a third party appear before the Collector, and allege that such third party and not the person against whom the decree has been obtained, is the proprietor of such under-tenure, and was in lawful possession of the same at the time when such decree was obtained, the Collector shall examine such party in the manner provided in Section C for the examination of third parties, and if he see sufficient reason for so doing, and such party shall deposit in Court the amount of the decree or give sufficient security for the same, the Collector shall stay the sale and proceed to enquire into and adjudicate upon the claim. Provided that no transfer of an under-tenure which by the provisions of this Act or any other law for the time being in force is required to be registered in the Sherishteh of the Zemindar or superior tenant shall be recognized unless it have been so registered, or unless sufficient cause for non-registration be shown to the satisfaction of the Collector.

If third party claim to be the proprietor and lawful possessor of such under-tenure, Collector to stay the sale and to enquire into and adjudicate upon the claim.

Proviso.

CVII. In trying such claim the Collector shall be guided by the rules contained in this Act, so far as the same may be applicable and the judgment passed by the Collector on such claim shall not be subject to appeal, but the party against whom it is given may bring a suit in the Civil Court to establish his right at any time within one year from the date of the judgment.

Mode of adjudicating such claims.

CVIII. If a decree is given in favor of a sharer in a joint undivided estate, dependent talook, or other similar tenure for money due to him on account of his share of the rent of an under-tenure situate in such undivided estate or talook or tenure, application for the sale of such under-tenure shall not be received unless execution shall have been first taken out against any moveable property which the judgment-debtor may possess within the District in which the suit was instituted and the sale of such property, if any, shall have proved insufficient to satisfy the judgment. In such case such under-tenure, if of the nature described in Section CV, may be brought to sale in execution of the decree in the same manner as any other immoveable property may be sold in execution of a decree for money under the provisions of the two next following Sections.

Execution of decrees given in favor of sharers in undivided estates or tenures.

CIX. In the execution of any decree for the payment of money under this Act not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor within the District in which the suit was instituted, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor.

In all cases of decrees for money, if judgment cannot be satisfied by sale of debtor's moveable property, execution may be had against his immoveable property.

CX. If the immoveable property against which execution is applied for be a house or other building, process shall be issued in the same manner as for the attachment and sale of moveable property, and the provisions of Sections XCVIII and XCIX shall be applicable to the execution of such process. If the property be a saleable under-tenure it shall be sold under the provisions of the law for the time being in force applicable to the sale of such under-tenures for demands other than those of arrears of rent due in respect thereof. If the property be an estate or a share of an estate, it shall be sold under the rules in force for the sale of estates for the recovery of demands recoverable by the same process as arrears of land revenue.

Mode of executing process if immoveable property be a house or other building.

If it be a saleable under-tenure.

If it be an estate or a share of an estate.

CXI. If, before the day fixed for the sale of any immoveable property as aforesaid, objection shall be offered to the sale on the ground of such property not belonging to the judgment-

Consequence of objection being offered before the sale of any immoveable property.

debtor, and consequently not being liable to be sold in execution of a decree against him, the Collector shall examine the party making the objection in the manner prescribed in Section C for the examination of third parties, and if satisfied that there is sufficient ground for so doing, shall stay the sale and proceed to enquire into and adjudicate upon the objection, in the same manner, and subject to the same right of suit by the party against whom judgment may be given, as is provided in Section CVII.

Produce of the land to be held hypothecated for the rent.

Arrears of rent may be recovered by distraint under the following rules.

CXII. The produce of the land is held to be hypothecated for the rent payable in respect thereof; and when an arrear of rent as defined in Section XX of this Act, is due from any cultivator of land, the zemindar, lakherajdar, farmer, dependent talookdar, under-farmer, or other person entitled to receive rent immediately from such cultivator, instead of bringing suit for the arrear as hereinbefore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due under the following rules. Provided always that, when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security has been given, shall not be liable to distraint. Provided also that no sharer, in a joint estate, dependent talook, or other tenure, in which a division of lands has not been made amongst the sharers, shall exercise the power of distraint otherwise than through a manager authorized to collect the rents of the whole estate, talook, or tenure, on behalf of all the sharers in the same. Provided further that in putteedaree estates situated in districts under the Government of the Lieutenant-Governor of the North-Western Provinces distraint shall be made only through a lumberdar.

Cultivators who have given security to be exempt from distraint

No distraint in certain cases.

CXIII. Distraint shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless a written engagement for the payment of such excess has been executed by the cultivator.

Power of distraint to be exercised by managers under the Court of Wards, &c.

Proviso.

CXIV. The power of distraint vested by Section CXII in Zemindars and other persons entitled to receive rent from cultivators of land, may be exercised by managers under the Court of Wards, Surburakars, and Tehsildars of estates held under khas management, and other persons lawfully entrusted with the charge of landed property; and also by the naibs, gomashtahs, and other agents employed by any such persons as aforesaid in the collection of rent if expressly authorized by power of attorney in that behalf. Provided that if any illegal act is committed by any such Naib, Gomashtah, or other agent under color of the exercise of the said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

Standing crops and crops gathered but not stored liable to distraint.

CXV. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with the powers of distraint under the provisions of this Act. But no such crops or products other than the produce of the land in respect of which an arrear of rent is due or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distraint under this Act.

Defaulter to be served with a written demand, &c., before or at the time of distraint.

CXVI. Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made. The demand and account shall, if practicable, be served personally on the defaulter, or if he abscond or conceal himself so that they cannot be so served, shall be affixed at his usual place of residence.

Distress to be proportionate to the arrear if not paid or tendered.

List of property to be distrained, to be served on owner.

CXVII. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value proportionate to the amount of the arrear with costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent affix it at his usual place of residence.

Standing crops &c. when attached, to be reaped and stored by the cultivator, or, if he neglect to do so, by the distrainer.

CXVIII. Standing crops and other ungathered products may, notwithstanding the distraint, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood. In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose. Crops or products which from their nature do not admit of being stored, may be sold before they are cut or gathered, under the rules hereinafter provided; but in such case the distraint shall be made at least twenty days before the time when the crops or products or any part of the same would be fit for cutting or gathering.

Distrainer may apply for aid to the Collector upon occasion of resistance made or apprehended.

CXIX. If a distrainer shall be opposed, or shall apprehend resistance, and shall desire to obtain the assistance of a public Officer, he may apply to the Collector, and the Collector may, if he thinks necessary, depute an Officer to support the distrainer in making the distraint.

CXX. When any person, empowered to distrain property under Section CXII or Section CXIV, shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority (which may be on plain paper) for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Person empowered to distrain may give written authority to their servants to do so.

CXXI. If at any time after property has been distrained, and prior to the day fixed for its being put up to sale as hereinafter provided, the owner of the property shall tender payment of the arrear demanded of him and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to the day of sale.

CXXII. Within five days from the time of the storing of any distrained crops or products, or if the crops or products do not, from their nature, admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the Civil Court Ameen, or other Officer authorized to sell property in satisfaction of decrees of the Civil Court within the circle in which the distrained property is situate, or to such other public Officer as the local Government shall appoint for the purpose.

Application for sale.

CXXIII. The application shall be in writing, and shall contain an inventory or description of the property distrained, the name of the defaulter and his place of residence, the amount due, and the date of the distress, and the place in which the distrained property is deposited. Together with the application, the distrainer shall deliver to the Civil Court Ameen or other Officer the amount necessary for the service of a notice upon the defaulter as hereinafter provided.

Form of application.

Cost of notice upon defaulter to be deposited by distrainer.

CXXIV. Immediately on receipt of the application the Civil Court Ameen or other Officer shall transmit a copy of it to the Collector; and shall serve a notice (which shall be in the form (G) contained in the Schedule to this Act, or to the like effect) on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before the Collector within the period of fifteen days from the receipt of the notice. He shall at the same time send to the Collector for the purpose of being put up in his Office, and if in the North-Western Provinces in the cutcherry of the Tuhseeldar, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited. The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

Procedure by Civil Court Ameen &c. on receipt of application.

CXXV. If a suit shall be instituted before the Collector in pursuance of the aforesaid notice, the Collector shall transmit to the Civil Court Ameen or other Officer, or if so requested shall deliver to the owner of the distrained property, a certificate of the institution of such suit; and on such certificate being received by or presented to the Ameen or other Officer, he shall suspend proceedings in regard to the sale of the distrained property.

Ameen to suspend sale on receipt of Collector's certificate of the institution of a suit.

CXXVI. A person whose property has been distrained in the manner hereinbefore provided, may institute a suit to contest the demand of the distrainer immediately after the distraint of his property, and before the issue of notice of sale. When such suit is instituted, the Collector shall proceed in the manner prescribed in the last preceding Section. If thereafter application for the sale of the property is made to the Civil Court Ameen or other Officer, he shall transmit a copy of the application to the Collector, and suspend further proceedings pending the decision of the case.

Suit to contest distrainer's demand before issue of notice of sale.

CXXVII. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with security binding himself to pay whatever sum may be adjudged to be due from him with interest and costs of suit, and when such bond is executed the Collector shall give to the owner of the property a certificate to that effect, or if so requested shall serve the distrainer with notice of the same; and upon such certificate being presented to the distrainer by the owner of the property or served on him by order of the Collector the property shall be released from distraint.

Distress to be withdrawn on receipt of Collector's certificate that the owner has executed a bond with security to pay amount of decree with interest and costs.

CXXVIII. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the Civil Court Ameen or other Officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as shall be allowed by him, be discharged in full, proceed to sell the property or such part of it as may be necessary in the manner following.

On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.

CXXIX. The sale shall be held at the place where the distrained property is deposited, or at the nearest gunge, bazar, haut, or other place of public resort, if the Civil Court Ameen or other Officer should be of opinion that it is likely to sell there to better advantage. The property shall be sold by public auction in one or more lots as the Officer holding the sale may think advisable, and if the demand with the costs of distress and sale be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Place and manner of sale.

CXXX. If on the property being put up for sale a fair price in the estimation of the Officer holding the sale be not offered for it, and the owner of the property or some person authorized to act on his behalf apply to have the sale postponed until the next day, or the next market day if a market be held at the place of sale, the sale shall be postponed until such day and shall be then completed whatever price may be offered for the property.

If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.

CXXXI. The price of every lot shall be paid for in ready money at the time of sale or as soon after as the Officer holding the sale shall think necessary; and in default of such payment the property shall be put up again and sold. When the purchase money has been paid in full, the Officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Payment of purchase money.

CXXXII. From the proceeds of the sale of distrained property the Officer holding the sale shall make a deduction at the rate of one anna in the Rupee on account of the costs of the sale, and shall transmit the amount to the Collector in order that it may be credited to Government. He shall then then pay to the distrainer the expenses incurred by the distrainer on account of the distress and of the issue of the notice and proclamation of sale prescribed in Section CXXIV, to such amount as, after examination of the statement of expenses furnished by the distrainer, he shall think proper to allow. The remainder shall be applied to the discharge of the arrear for which the distraint was made with interest thereon up to the day of sale, and if there be any overplus it shall be delivered to the person whose property shall have been sold.

Proceeds of sale.

CXXXIII. Officers holding sales of property under this Act, and all persons employed by or subordinate to such Officers, are prohibited from purchasing either directly or indirectly any property sold by such Officers.

Officers holding sales prohibited from purchasing.

CXXXIV. Civil Court Ameens and other Officers as aforesaid are required to bring to the notice of Collectors any material irregularities committed by distrainers under color of this Act; and if in any case, on proceeding to hold a sale of property, the Civil Court Ameen or other Officer shall find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Collector, and the Collector shall direct the issue of another notice and proclamation of sale under Section CXXIV or pass such other order as he may think proper.

All irregularities to be reported to the Collector.

Officer not to proceed to sale, if he find that defaulter has not received due notice.

CXXXV. When a Civil Court Ameen or other Officer has proceeded to any place for the purpose of holding a sale and no sale takes place either for the reason stated in the last preceding Section, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to the Civil Court Ameen or other Officer, the charge of one anna in the Rupee on account of expenses shall be leviable and shall be calculated on the estimated value of the distrained property. If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property and may be recovered by the sale of such portion thereof as may be necessary. In every other case it shall be paid by the distrainer and may be recovered by attachment and sale of the property of the distrainer under the warrant of the Collector. Provided always that in no case shall a larger amount than ten Rupees be recoverable under this Section.

Recovery of expenses if Ameen proceeds to place of sale and no sale takes place.

CXXXVI. All proceedings under this Act of the Civil Court Ameens and other Officers as aforesaid shall be subject to the revision and orders of the Collectors, and the Collectors, with the sanction of the Boards of Revenue, may require the submission of such periodical reports and statements of business performed by the Civil Court Ameens and other Officers as may be thought necessary.

Proceedings of Civil Court Ameens &c. subject to revision and orders of Collectors.

CXXXVII. When a suit has been instituted to contest the demand of a distrainer and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Collector shall issue an order to the Civil Court Ameen or other Officer authorizing the sale of the property, and on the application of the distrainer, which shall be made within five days from the receipt of such order by the Civil Court Ameen or other Officer, such Ameen or Officer shall publish a second proclamation in the manner prescribed in Section CXXIV, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation; and unless the amount adjudged to be due with the costs of distress be paid intermediately, shall proceed to sell the property in the manner hereinbefore provided.

Second proclamation of sale.

CXXXVIII. In all suits instituted to contest the demand of a distrainer, the distrainer shall be required to prove the arrear in the same manner as if he had himself brought suit for the amount under the foregoing provisions of this Act. If the demand or any part thereof is found to be due, the Collector shall make a decree for the amount in favor of the distrainer, and the amount may be recovered by sale of the property as provided in the last preceding Section if the distress has not been withdrawn, and if any balance remain due after such sale by execution of the decree against the person and any other property of the defaulter, or if the property have been released on security by execution of the decree against the person and property of the default and of his surety. If on the other hand the distraint is adjudged to be vexatious or groundless, the Collector, besides directing the release of the distrained property, may award such damages in favor of the plaintiff as the circumstances of the case shall seem to require.

Procedure after institution of suit to contest distrainer's demand.

CXXXIX. If any person shall claim as his own, property which has been distrained for arrears of rent alleged to be due from any other person, such person may institute a suit against the distrainer and such other person, to try the right to the property, in the same manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand. When any such suit is instituted the property may be released upon security being given for the value of the same. If the claim is dismissed the Collector shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer. If the claim is upheld, the Collector shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require. Provided always that no claim to any produce of land, liable to distraint under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the prior claim of the person entitled to the rent of the land, nor shall any attachment in execution of a judgment of any Civil Court prevail against such prior claim.

Any person, whose property has been distrained for arrears of rent alleged to be due from another, may institute a suit against the distrainer, &c.

Proviso.

CXL. If in any case in which property has been distrained for an arrear of rent and a suit has been instituted to contest the demand, the right to distrain for such arrear is claimed by or on behalf of any person other than the distrainer on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by such other person before and up to the time of the commencement of the suit shall be enquired into, and the suit shall be decided according to the result of such enquiry. Provided always that the decision of the Collector shall not affect the right of either party who may have a legal title to the rent of the land, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

Procedure if distrainer's right to distrain be disputed.

CXLI. If any person, whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing suit to contest the demand or to try the right to the property as the case may be within the period allowed by Sections CXXIV and CXXXIX and his property is in consequence brought to sale, he may nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property.

Persons prevented from suing in time to save their property from sale, may sue for damages.

CXLII. If any person empowered to distrain property or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged, or destroyed by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof, or if the distraint shall not be immediately withdrawn when it is required to be withdrawn by any provision of this Act, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained.

Also persons aggrieved by any illegal act of distrainer.

CXLIII. If any person not empowered to distrain property under Sections CXII and CXIV of this Act, nor employed for the purpose under a written authority by a person so empowered, shall distrain or sell or cause to be sold any property under color of this Act, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distraint or sale. The said person shall be held to have committed criminal trespass, and shall be subject to the penalties for that offence in addition to any damages which may be awarded against him in such suit.

Unlawful distraint.

CXLIV. Provided always that any suit which may be instituted under any of the last three Sections shall be commenced within three months from the date of the occurrence of the cause of action.

Time for commencing suits for damages.

CXLV. If any person shall resist a distraint of property duly made under this Act, or shall forcibly or clandestinely remove any distrained property, the Collector upon complaint being made within fifteen days from the date of such resistance or removal, shall cause the person accused to be arrested, and if the offence be proved and the offender be the owner of the property, shall order him to be imprisoned in the Civil jail for six months, or until the whole arrear due to the distrainer with all expenses and costs shall sooner be paid or levied by distress and sale of the property of the offender under warrant of the Collector. If the person convicted of the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred Rupees, or in default of payment thereof to imprisonment for a period not exceeding two months.

Resistance of distraint.

CXLVI. Every process issued by a Collector under this Act shall be under the seal and signature of the Collector, and shall be served or executed by the Nazir or by such other Officer as the Collector may direct at the cost of the party at whose instance it issued. The amount of such cost, and, in the case of summons to a witness, any sum required for the travelling expenses of such witness, shall be deposited in Court before the process is issued. Provided that if in any case the Collector is satisfied that a party is unable to pay the cost of

Service of process.

any necessary process, he may direct such process to be served free of charge.

Resistance of process.

CXLVII. Any resistance or opposition to the lawful process of a Collector under this Act may be punished by the Collector according to the provisions of the law for the time being in force for the punishment of resistance or opposition to the processes of the Courts of Civil justice. When in any such case the offender is not present in Court, the Collector may summon him to answer to the charge, and if after due service of the summons he fail to attend, may issue a warrant for his apprehension. Orders passed by Collectors under this Section shall not be deemed to be orders relating to the trial of suits or to the execution of decrees within the meaning of Section CLI.

Collector competent to hold a Court in any part of his jurisdiction.

CXLVIII. It shall be competent to the Collector to hold a Court for hearing and determining suits under this Act in any place within the limits of his District or local jurisdiction, provided that every hearing and decision shall be in open Court, and that the parties to the suit or their authorized agents shall have had due notice to attend at such place.

Proviso.

Agents or mookhtars.

CXLIX. Any person may practise as an agent or mookhtar in a Court held by a Collector under this Act without any formal license from the Collector. But it shall be competent to the Collector to prohibit any person, who has been convicted by a competent Court of a criminal offence, or who has been found guilty of fraudulent or dishonest conduct in the discharge of his duty as agent or mookhtar, to practice as an agent or mookhtar in his Court. When any agent or mookhtar is charged by the Collector or any other person with fraudulent or dishonest conduct in the discharge of his duty, the Collector shall proceed in the manner prescribed in Section IV Act XVIII of 1852, or any other law for the time being in force for the trial of charges against pleaders.

Powers of Deputy Collectors.

CL. All the powers vested in the Collector by the preceding Sections of this Act may be exercised by any Deputy Collector in cases referred to him by a Collector; and in all cases without such reference, by any Deputy Collector placed in charge of any Sub-division of a District; and all applications and reports allowed or required by this Act to be made to the Collector may be made to any Deputy Collector having such local jurisdiction.

Collectors and Deputy Collectors to be subject to general direction and control of the Commissioners and the Boards of Revenue.

CLI. In the performance of their duties under this Act the Collectors and Deputy Collectors shall be subject to the general direction and control of the Commissioners and the Boards of Revenue; and the Deputy Collector shall be subject to the direction and control of the Collectors to whom they are subordinate. All orders passed by a Collector under this Act, not being judgments in suits or orders passed in the course of suits and relating to the trial thereof or orders passed after decree and relating to the execution thereof, shall be appealable to the Commissioner; and all such orders passed by a Deputy Collector shall be appealable to the Collector; but no judgment of a Collector or Deputy Collector in any suit, and no order of a Collector or Deputy Collector passed in any suit and relating to the trial thereof, or after decree and relating to the execution thereof, shall be open to revision or appeal otherwise than as expressly provided in this Act.

No appeal from orders of Collectors and Deputy Collectors in certain cases.

Time for presenting appeals from orders.

CLII. Every appeal against the order of a Collector shall be presented to the Commissioner within thirty days, and every appeal against the order of a Deputy Collector shall be presented to the Collector within fifteen days from the date of the order. Orders passed in appeal by a Commissioner or a Collector shall not be open to any further appeal, but the Board of Revenue or the Commissioner may call for any case, and pass such orders thereon as they may think proper.

No appeal from any decree of Collector for money below 100 Rupees unless the decision involve some question of right to enhance rent or some question relating to a title to land.

CLIII. In suits under Clauses 2, 4, and 7 of Section XXIII and under Section XXIV of this Act, tried and decided by a Collector, if the amount sued for or the value of the property claimed does not exceed one hundred Rupees, the judgment of the Collector shall be final, and not open to revision or appeal except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a ryot or tenant, or any question relating to a title to land, or to some interest in land as between parties having conflicting claims thereto, has been determined by the judgment, in which case the judgment shall be open to appeal in the manner provided in Sections CLX and CLXI of this Act.

In suits not open to appeal, Collector may grant a re-hearing upon the discovery of new evidence, &c.

CLIV. In suits in which the judgment of the Collector is final as provided in the last preceding Section, the Collector may, upon the application of either party, if preferred within thirty days from the date of the decision, order the re-hearing of a suit, upon the ground of the discovery of new evidence or matter material to the issue of the case which the applicant had no knowledge of, or could not produce at the time of trial.

Appeal from decision of Deputy Collector.

CLV. When any such suit as aforesaid, in which if tried and decided by a Collector the judgment of the Collector would be final, is tried and decided by a Deputy Collector, an appeal from the judgment of the Deputy Collector shall lie to the Collector.

Petition of appeal to be on stamp paper, &c.

CLVI. The petition of appeal shall be written on stamp paper of eight annas value and shall be presented to the Collector within fifteen days from the date of the decree,

provided that such time as may be requisite for procuring a copy of the decree appealed against shall not be reckoned as part of the fifteen days.

Procedure in appeal.

CLVII. The Collector shall fix a day for hearing the appeal, and shall cause notice of the same to be served on the respondent in the manner hereinbefore prescribed for the service of summons. If on the day fixed for hearing the appeal, or any other day to which the hearing may be adjourned, the appellant shall not appear in person or by an agent, the appeal shall be dismissed for default. If the appellant shall appear and the respondent shall not appear in person or by an agent, the appeal shall be heard *ex parte*.

Re-admission of appeal.

CLVIII. If an appeal be dismissed for default of prosecution the appellant may within fifteen days from the date of the dismissal apply to the Collector for the re-admission of the appeal, and if it shall be proved to the satisfaction of the Collector that the appellant was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the Collector may re-admit the appeal.

Judgment in appeal.

CLIX. After hearing the appeal the Collector shall give judgment in the manner hereinbefore prescribed for giving judgment in original suits, and the judgment of the Collector shall be final.

In what suits appeal to lie to Zillah Judge.

CLX. In all suits other than those in which when tried and decided by a Collector the judgment of the Collector is declared to be final or when tried and decided by a Deputy Collector an appeal is allowed to the Collector, an appeal from the judgment of the Collector or Deputy Collector shall lie to the Zillah Judge; unless the amount or value in dispute exceed five thousand Rupees, in which case the appeal shall lie to the Sudder Court.

To Sudder Court.

Rules regarding presentation and hearing of appeals.

CLXI. The petition of appeal shall be written on the stamp paper prescribed for appeals from the subordinate Civil Courts with reference to the amount or value of the property involved in the appeal, and the rules in force in regard to the time within which appeals from the decisions of such Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals to the Zillah Judge or Sudder Court under this Act.

Suits to be preferred in the Revenue Office of the District or Sub-division in which the greater part of the land is situate.

CLXII. Suits under this Act shall be preferred in the Revenue Office of the District, or when a Sub-division of a District has been placed under the jurisdiction of a Deputy Collector, in the Revenue Office of the Sub-division in which the cause of action shall have arisen. Provided always that the Collector may withdraw any suit from any Deputy Collector and try it himself, or refer it to another Deputy Collector. If the lands comprised in any talook, farm, or other tenure, or any lands held under one lease or engagement or at one entire rent in respect of which arrears of rent may be due, are situated in more than one District or Sub-division, the District or Sub-division in which the greater part of such lands is situate shall be held to be the District or Sub-division in which the cause of action has arisen; and if any question shall be raised respecting the District or Sub-division in which the greater part of the lands is situate, the Board of Revenue, or if all the lands be situate in one District the Collector of the District shall decide the question, and such decision shall be conclusive on the point of jurisdiction.

Except as above, Collector not to exercise jurisdiction in respect to lands situate beyond his District.

CLXIII. Except as provided in the last preceding Section, no Collector shall exercise any jurisdiction under this Act in respect to any lands situate beyond the limits of the District to which he is appointed, by reason of such lands forming part of an estate the revenue of which is paid into the Treasury of the said District.

Deputy Collector entrusted with Police functions, not to exercise judicial powers under this Act.

CLXIV. No Deputy Collector appointed under Regulation IX of 1833 of the Bengal Code, shall exercise any judicial powers or other jurisdiction under this Act if entrusted with any Police functions.

What powers to be exercised by Assistants to Collectors.

CLXV. Assistants to Collectors shall not exercise any powers under this Act unless invested by Government with the powers of Deputy Collectors, in which case they may exercise the powers hereby assigned to Deputy Collectors.

Saving of rights of proprietors in respect of Putnee Talooks, &c. under Regulation VIII. 1819.

CLXVI. Nothing contained in this Act shall be held to affect the right vested in proprietors of land under direct engagements with Government, of bringing to sale for arrears of rent Putnee Talooks and other similar tenures under the provisions of Regulation VIII. 1819.

Commencement of Act.

CLXVII. This Act shall commence and have effect from and after the 1st day of August 1859.

"Civil Jail"

CLXVIII. The words "Civil Jail" as used in this Act shall include the Civil Jail of the Zillah and any place appointed by the Executive Government for the confinement of prisoners by any Court constituted under this Act. The word "Nazir" shall include any Officer of a Court authorized to serve or execute its process. Unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

"Nazir."

Number.

Gender.

SCHEDULE.

A.

FORM OF SUMMONS TO DEFENDANT.

No. (of suit) dated

In the Court of

A. B., Plaintiff.

[*Name, description, and address of plaintiff.*]

C. D., Defendant.

[*Name, description, and address of Defendant.*]

Whereas the said A. B. has brought a claim against you in this Court for *(here specify particulars of claim as given in the statement,) you are hereby required to appear in person in this Court on the day of* [*if not specially required to appear in person, state, in person or by an agent who has personal knowledge of the subject or who shall be accompanied by a person who has such knowledge*] to answer the abovenamed plaintiff, and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*] which the plaintiff desires to inspect, and all documents on which you may intend to rely in support of your defence. You will also bring with you your witnesses, if they are willing to attend without issue of process.

B.

FORM OF WARRANT OF ARREST.

No. (of suit) dated

In the Court of

A. B., Plaintiff.

C. D., Defendant.

To the Nazir of the Court of the Collector of——

Whereas the plaintiff in this suit has obtained an order from the Court for the arrest of the defendant, you are hereby commanded to bring the defendant before the Court on or before the day of to be dealt with according to law.

Dated this day of

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C.

FORM OF NOTICE TO ACCOMPANY SUCH WARRANT.

In the Court of

A. B., Plaintiff.

[*Name, description, and address of plaintiff.*]

C. D., Defendant,

[*Name, description, and address of defendant.*]

Whereas the said A. B. has brought a claim against you in this Court for *(here specify particulars of claim as given in the statement)* and has obtained a warrant for your arrest, you are hereby required, unless you admit the claim, to bring with you to the Court all documents on which you may intend to rely in support of your defence.

D.

FORM OF SECURITY BOND FOR APPEARANCE OF DEFENDANT.

Whereas A. B. plaintiff has instituted a suit in the Court of the Collector of against C. D. defendant, and the said C. D. has been required to give security for his appearance at any time when called on while the suit is depending and until execution of the decree, I, E. F., hereby declare myself surety for the said C. D's. appearance as aforesaid, and in case of his making default in such appearance I engage to pay any sum for the payment of which the said C. D. may be liable under the decree. [*If the suit be for the delivery of papers or accounts, specify some sum to be fixed by the Collector.*]

E.

WRIT OF EXECUTION AGAINST THE PERSON.

A. B, Plaintiff.
C. D., Defendant.

To the Nazir of the Court of the Collector of——

Whereas the said C. D. was directed by a decree of this Court, under date the day of 185 , to pay to A. B. the sum of and for costs of suit, amounting to , and whereas the said C. D. has omitted to pay the same, you are hereby commanded to apprehend the said C. D., and to bring him with all convenient speed before this Court to be dealt with according to law.

F.

WRIT OF EXECUTION AGAINST THE EFFECTS.

A. B., Plaintiff.
C. D., Defendant.

To the Nazir of the Court of the Collector of——

Whereas C. D. was directed by a decree of this Court, under date the day of 185 , to pay to A. B. the sum of , and for costs of suit, amounting to , and whereas the said C. D. has omitted to pay the same, you are hereby commanded to levy the said sum of , and the sum of for costs of executing this process, by seizure and sale of such moveable property of the said C. D. as (is described in the list annexed, and) [*if no list is furnished, these words to be omitted*] shall be pointed out to you by the judgment-creditor or his agent; and you are hereby ordered to sell such property of the said C. D., on some convenient day not being less than ten nor more than fifteen days from the day of seizure, unless the amount leviable as aforesaid shall be sooner paid; and you are hereby commanded to certify to me what you shall do by virtue of this warrant.

G.

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Office of Commissioner for sale of distrained property.

A. B., Distrainer.

[*Name, description, and address of the owner of the property.*]

Whereas the said A. B. has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said A. B., or to institute a suit before the Collector to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 185 .

W. MORGAN,
Clerk of the Council.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 4th May 1859, and is hereby promulgated for general information:—

ACT No. XI OF 1859.

An Act to improve the law relating to sales of Land for arrears of Revenue in the Lower Provinces under the Bengal Presidency.

Preamble.

WHEREAS it is expedient to discontinue the practice of obtaining the previous sanction of the Board of Revenue to sales of estates for arrears of revenue, or other demands of Government, in the Province of Cuttack: and whereas it is just that a person having a lien upon an estate, and paying the money necessary to protect it from sale for arrears of revenue, should be reasonably secured: and whereas it is expedient to afford sharers in estates, who duly pay their shares of the Sudder Jumma of their estates, easy means of protecting their shares from sale by reason of the default of their co-sharers: and whereas it is expedient to afford landholders, particularly absentees, facilities in guarding against the accidental sale of their estates for arrears of revenue by reason of the neglect or fraud of their agents: and whereas it is expedient to provide for the voluntary registration of dependent talooks existing at the time of settlement: and whereas it is expedient to protect the holders of registered under-tenures created since the settlement, and not resumable by the grantors or their representatives, from loss by the avoidance of their tenures on the occasion of a sale of the superior estate for arrears of public revenue, when the arrears can be realized by such sale: and to give absolute security to such tenures by special registry, when shown to be held at rents sufficient for the security of the revenue: and it is therefore proper, for the above and other purposes, to improve the law relating to sales of land for arrears of revenue in the Provinces of Bengal, Behar, and Orissa: It is enacted as follows:—

Laws repealed

I. Regulation X. 1818 (*relating to collection of the public revenue from proprietors and farmers of land in the District of Cuttack &c.*) is hereby repealed; and from the date of the passing of this law, Act I of 1845 (*regarding sales of land for arrears of Revenue*), except in so far as it repeals other laws, and except in regard to sales made or advertised, to arrears and other demands realizable, and to suits commenced and acts done, under authority thereof—shall cease to have effect in the Lower Provinces of Bengal.

What is an arrear of revenue.

II. If the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kistbundee of any mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of revenue.

Latest day of payment.

III. Upon the promulgation of this Act, the Board of Revenue at Calcutta shall determine upon what dates all arrears of revenue and all demands which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of revenue, shall be paid up in each district under their jurisdiction, in default of which payment the estates in arrear in those districts, except as hereinafter provided, shall be sold at public auction to the highest bidder. And the said Board shall give notice of the dates so fixed in the official Gazette and shall direct corresponding publication to be made as far as regards each district in the language of that district, in the office of the Collector or other officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate, (or Joint Magistrate, as the case may be,) and Moonsiffs, and at every Thannah station of that district; and the dates so fixed shall not be changed except by the said Board by advertisement and notification, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

In Sylhet, personal property liable to distress and sale.

IV. Provided that in the district of Sylhet, the Collector may be authorized by the Board of Revenue to proceed in the first instance by the distress and sale of the personal property of defaulters, instead of by the sale of their estates.

Proviso in the case of certain descriptions of arrear.

V. Provided always that no estate, and no share or interest in any estate, shall be sold for the recovery of arrears or demands of the descriptions mentioned below, otherwise than after a notification in the language of the district, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed for a period of not less than fifteen clear days preceding the date fixed for payment, according to Section III of this Act, in the office of the Collector or other officer duly authorized to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, and in the Moonsiff's Court and Police Thannah of the division in which the estate or share of an estate to which the notification relates, is situated; or if the estate or share of an estate be situated within the jurisdiction of more than one Moonsiff's Court or Police Thannah, in some one or more of such Courts or Thannahs; and also at the cutcherry of the malgoozar or owner of the

estate or share of an estate, or at some conspicuous place upon the estate or share of an estate, the same to be certified by the peon or other person employed for the purpose.

First.—Arrears other than those of the current year, or of the year immediately preceding.

Secondly.—Arrears due on account of estates other than that to be sold.

Thirdly.—Arrears of estates under attachment by order of any judicial authority, or managed by the Collector in accordance with such order.

Fourthly.—Arrears due on account of tuccavee, poolbundee, or other demands not being land revenue, but recoverable by the same process as arrears of land revenue.

Notifications of sale to be issued, and no tender after latest day of payment to stop the sale.

VI. The Collector or other officer duly authorized to hold sales under this Act shall, as soon as possible after the latest day of payment fixed in the manner prescribed in Section III of this Act, issue notifications in the language of the district, to be affixed in his own Office and in the Court of the Judge of the district, specifying the estates or shares of estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the Office of the Collector or other officer as aforesaid. And if the Government revenue of any estate or share of an estate to be sold, exceed the sum of five hundred Rupees, a notification of the sale of such estate or share of an estate shall be published in the official Gazette. Except as hereinafter provided, all estates or shares of estates so specified shall, on the day notified for sale, or on the day or days following be put up to public auction by and in the presence of the Collector or other officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made after sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

Notice to ryots, &c.

VII. Whenever an estate or share of an estate is notified for sale as provided by Section VI of this Act, the Collector or other officer as aforesaid shall affix a proclamation in the language of the district in his own Office, and as soon thereafter as may be in the Moonsiff's Courts and Police Thannahs within which the estate or share of an estate, or any part of it, is situated, and also at the cutcherry of the malgoozar or the owner of the estate or share of an estate, or at some conspicuous place upon the estate or share of an estate forbidding the ryots and undertenants to pay to the defaulting proprietor any rent which has fallen due after the day fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums so paid.

Claims against Government held by a defaulter not to invalidate a sale.

VIII. No claim to abatement or remission of revenue unless the same shall have been allowed by the authority of Government, and no private demand or cause of action whatever held or supposed to be held by any defaulter against Government, shall bar or render void or voidable a sale under this Act; nor shall the plea that money belonging to the defaulter, and sufficient to pay the arrear of revenue due, was in the Collector's hands, bar or render void or voidable a sale under this Act, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, or after the written agreement provided for in Section XV of this Act, the Collector shall have neglected, or refused on insufficient grounds, to transfer it on payment of the arrear of revenue due.

Deposits receivable from persons not proprietors.

IX. The Collector or other Officer as aforesaid shall, at any time before sunset of the latest day of payment determined according to Section III of this Act, receive as a deposit from any person not being a proprietor of the estate or share of an estate in arrear, the amount of the arrear of revenue due, to be credited in payment of the arrear at sunset as aforesaid, unless before that time the arrear shall have been paid by a defaulting proprietor of the estate. And in case the person so depositing, whose money shall have been credited in the manner aforesaid, shall be a party in a suit pending before a Court of Justice for the possession of the estate or share from which the arrear is due, or any part thereof, it shall be competent to the said Court to order the said party to be put into temporary possession of the said estate or share, or part thereof, subject to the rules in force for taking security in the cases of parties in Civil suits. And if the person so depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said person, which would have been endangered or damaged by the sale, or which he believed in good faith would have been endangered or damaged by the sale, he shall be entitled to recover the amount of the deposit, with or without interest as the Court may determine, from the defaulting proprietor. And if the party so depositing, whose money shall have been credited as aforesaid, shall prove before such a Court that the deposit was necessary in order to protect any lien he had on the estate, or share, or part thereof, the amount so credited shall be added to the amount of the original lien.

Separation of shares held in common.

X. When a recorded sharer of a joint estate, held in common tenancy, desires to pay his share of the Government revenue separately, he may submit to the Collector a written application to that effect. The application must contain a specification of the share held in the estate by the applicant. The Collector shall then cause to be published in his own Office in the Courts of the Judge, Magistrate (or Joint Magistrate, as the case may be), and Moonsiffs, and in the Police Thannahs in whose jurisdiction the estate or any part thereof is situated, as well as on some conspicuous part of the estate itself, a copy of the application made to him. If within six weeks from the date of the publication of these notices, no objection is made by any other recorded sharer, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments made by him on account of it. The date on which the Collector records his sanction to the opening of a separate account, shall be held to be that from which the separate liabilities of the share of the applicant commence.

Separation of shares consisting of specific portions of land.

XI. When a recorded sharer of a joint estate, whose share consists of a specific portion of the land of the estate, desires to pay his share of the Government revenue separately, he may submit to the Collector a written application to that effect. The application must contain a specification of the land comprised in his share, and of the boundaries and extent thereof, together with a statement of the amount of sudder jumma heretofore paid on account of it. On the receipt of this application, the Collector shall cause it to be published in the manner prescribed for publication of notice in the last preceding Section. In the event of no objection being urged by any recorded co-sharer within six weeks from the time of publication, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments made by him on account of it. The date on which the Collector records his sanction to the opening of a separate account, shall be held to be that from which the separate liabilities of the share of the applicant commence.

If objection be made, parties to be referred to the Civil Court.

XII. If any recorded proprietor of the estate, whether the same be held in common tenancy or otherwise, object that the applicant has no right to the share claimed by him, or that his interest in the estate is less or other than that claimed by him, or if the application be in respect of a specific portion of the land of an estate, that the amount of sudder jumma stated by the applicant to have been heretofore paid on account of such portion of land is not the amount which has been recognized by the other sharers as the jumma thereof, the Collector shall refer the parties to the Civil Court, and shall suspend proceedings until the question at issue is judicially determined.

Sale of separate shares.

XIII. Whenever the Collector shall have ordered a separate account or accounts to be kept for one or more shares, if the estate shall become liable to sale for arrears of revenue, the Collector or other officer as aforesaid in the first place shall put up to sale only that share or those shares of the estate from which, according to the separate accounts, an arrear of revenue may be due. In all such cases notice of the intention of excluding the share or shares from which no arrear is due, shall be given in the advertisement of sale prescribed in Section VI of this Act. The share or shares sold, together with the share or shares excluded from the sale, shall continue to constitute one integral estate, the share or shares sold being charged with the separate portion or the aggregate of the several separate portions of jumma assigned thereto.

Entire estate may be sold under certain conditions.

XIV. If in any case of a sale held according to the provisions of the last preceding Section, the highest offer for the share exposed to sale shall not equal the amount of arrear due thereupon to the date of sale, the Collector or other officer as aforesaid shall stop the sale, and shall declare that the entire estate will be put up to sale for arrears of revenue at a future date, unless the other recorded sharer or sharers, or one or more of them, shall within ten days purchase the share in arrear by paying to Government the whole arrear due from such share. If such purchase be completed, the Collector or other officer as aforesaid shall give such certificate and delivery of possession as are provided for in Sections XXVIII and XXIX of this Act, to the purchaser or purchasers, who shall have the same rights as if the share had been purchased by him or them at the sale. If no such purchase be made within ten days as aforesaid, the entire estate shall be sold, after notification for such period and publication in such manner as is prescribed in Section VI of this Act.

Deposit for the protection of an estate from sale.

XV. If any recorded proprietor or co-partner of an estate shall deposit with the Collector money, or Government securities endorsed and made payable to the order of the Collector, and shall sign an agreement pledging the same to Government by way of security for the jumma of the entire estate, and authorizing the Collector to apply to the payment of any arrear of revenue that may become due from that estate the whole or any portion of the said money or securities that may be necessary for that purpose, then in the case of any arrear of revenue due from the said estate not being paid before sunset of the latest day of payment fixed under Section III of this Act, the Collector shall apply to the payment of such arrear the said money or securities, or such part thereof or of any interest due on the said securities as may be necessary; and for this purpose the Collector shall first apply any money that may be in his hands and any interest that may be due upon such securities, and may then sell and transfer the securities for any balance that may remain. And so long as any money or securities as aforesaid, sufficient to cover any arrear that may fall due, shall remain and be available as aforesaid, the estate for the protection of which the said deposit was made shall be exempted from sale for arrears of revenue. All monies and securities so deposited shall be exempt from attachment, otherwise than in execution of a decree of a Civil Court.

Withdrawal of the deposit.

XVI. It shall be competent to the person making a deposit under the provision of the last preceding Section, or his representative or assignee, at any time to withdraw the deposit, and to revoke the pledge of the same.

Estates under Court of Wards or attachment.

XVII. No estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards; and no estate the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of eighteen years. And no estate held under attachment by the revenue authorities otherwise than by order of a judicial authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no estate held under attachment or managed by a Revenue Officer, in pursuance of an

order of a judicial authority, shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment, or management until after the end of the year in which such arrears accrued.

Estates may be specially exempted from sale.

XVIII. It shall be competent to the Collector, or other Officer as aforesaid, at any time before the sale of an estate or share of an estate shall have commenced, to exempt such estate or share from sale; and in like manner it shall be competent to the Commissioner of Revenue, at any time before the sale of an estate or share of an estate shall have commenced, to exempt such estate or share from sale, by a special order to the Collector or other officer as aforesaid to that effect in each case; and no such sale shall be legal if held after the receipt of such order of exemption. Provided, however, and it is hereby enacted, that the Collector or other officer as aforesaid or the Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector or other officer as aforesaid of the order of exemption.

Proviso.

Sales where to be made.

XIX. Sales shall ordinarily be made by the Collector or other officer as aforesaid in the land revenue office at the Sudder Station of the District: provided, however, that it shall be competent to the Board of Revenue to prescribe a place for holding sales other than such office, whenever they shall consider it beneficial to the parties concerned.

Adjournment of sales.

XX. In case the Collector or other officer as aforesaid shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid; or if, having commenced it, he be unable, from any cause, to complete it; he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his cutcherry; and so on, from day to day, until he shall be able to commence upon, or to complete the sale; but, with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

Order of selling.

XXI. On the day of sale fixed according to Section VI of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the towjee or register in use in the Collector's office of the district being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other officer as aforesaid to put up any estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section XXII of this Act.

Deposit on account of purchase money.

XXII. The party who shall be declared the purchaser of an estate or share of an estate at any such public sale as aforesaid, shall be required to deposit immediately or as soon after the conclusion of the sale of the estate or share as the Collector or other officer as aforesaid may think necessary, either in cash, Bank of Bengal Notes or Post Bills, or Government Securities to be valued at the market rate of the day, duly endorsed, twenty-five per cent. on the amount of his bid; and in default of such deposit, the estate or share shall forthwith be put up again and sold.

Full payment of purchase money.

XXIII. The full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the estate or share of an estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, the deposit shall be forfeited to Government, the estate or share shall be resold, and the defaulting purchaser shall forfeit all claim to the estate or share, or to any part of the sum for which it may subsequently be sold. And in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public revenue, and such difference shall be taken and considered to be a part of the purchase money and shall be dealt with in the manner hereinafter prescribed for the disposal thereof.

Re-sale.

XXIV. When default is made in the payment of purchase money a notification of the intended re-sale shall be published for the period and in the manner prescribed in Section VI of this Act, but such notification shall not be published until the expiration of three clear days after the day on which the default shall have occurred and if the payment or tender of payment of the arrear on account of which the estate or share was first sold, and of any arrear which may have subsequently become due shall be made by or on behalf of the proprietor of the estate or share before sunset of the third day, the issue of the notification of re-sale shall be stayed. The rules contained in the last preceding Section shall be applicable to every such re-sale. Provided that, if default of payment of purchase money shall occur more than once, the amount to be recovered from the defaulting bidders shall be the difference between the highest bid and the proceeds of the sale eventually consummated, which amount may be levied in manner aforesaid from any of the defaulting bidders to the extent of the amount by which his bid exceeds the amount realized.

Appeals.

XXV. It shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XXIII, or if preferred to the Collector or other Officer as aforesaid for transmission to the Commissioner, on or before the tenth day from

the day of sale, and not otherwise ; and the Commissioner shall be competent in every case of appeal so preferred, to annul any sale of an estate or share of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed the interest, at the highest rate of the current Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's office ; and the order of the Commissioner shall in such cases be final.

Annulment of sale in special cases.

XXVI. It shall be competent to the Commissioner of Revenue, on the ground of hardship or injustice, to suspend the passing of final orders in any case of appeal from a sale, and to represent the case to the Board of Revenue, who, if they see cause, may recommend to the local Government to annul the sale ; and the local Government in any such case may annul the sale and cause the estate or share of an estate to be restored to the proprietor on such conditions as may appear equitable and proper.

Sales when final.

XXVII. All sales of which the purchase money has been paid up as prescribed in Section XXIII of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale as the first of the said thirty days. And sales against which an appeal may have been preferred, and dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

Certificate of sales.

XXVIII. Immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid shall give to the purchaser a certificate of title in the form prescribed in Schedule A annexed to this Act. And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate or share of an estate sold being vested in the person or persons named from the date specified ; and the Collector shall also notify such transfer by written proclamation in his own office, and in the Courts of the Moonsiffs and Police Thannahs within whose jurisdictions any part of the estate or share sold shall be situated.

Delivery of possession.

XXIX. The Collector or other officer as aforesaid shall order delivery of possession of the estate or share purchased to be made by removing any person who may refuse to vacate the same, and by proclamation to the occupants of the property by beat of drum or in such other mode as may be customary, at some convenient place or places ; and by affixing a copy of the certificate at the Mal cutchery or in some conspicuous place of the estate or share of an estate purchased.

Liability of purchaser.

XXX. The party certified as the proprietor of an estate or share of an estate by purchase under this Act, shall be answerable for all instalments of the revenue of Government which may fall due after the latest day of payment aforesaid.

Application of purchase money.

XXXI. The Collector shall apply the purchase money first to the liquidation of all arrears due upon the latest day of payment from the estate or share of an estate sold ; and secondly to the liquidation of all outstanding demands debited to the estate or share of an estate in the public accounts of the District ; holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate or share of an estate sold or their heirs or representatives to be paid to his or their receipt on demand in the manner following : to wit, in shares proportioned to their recorded interest in the estate or share of an estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. And if before payment to the late proprietor or proprietors of any surplus that may remain of the purchase money, the same be claimed by any creditor in satisfaction of a debt, such surplus shall not be payable to such claimant, nor shall it be withheld from the proprietor, except under precept of a Civil Court.

Notification of annulment of sale.

XXXII. The annulment by a Commissioner or by Government of a sale made under this Act shall be publicly notified by the Collector or other officer as aforesaid, in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXVIII of this Act ; and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser with interest thereon at the highest rates of the current public securities ; which shall be paid by the Government, unless the proprietor shall have become liable for the same under the provisions of Section XXV or Section XXVI of this Act.

Jurisdiction of Civil Courts in suits to amend sales.

XXXIII. No sale for arrears of revenue or other demands realizable in the same manner as arrears of revenue are realizable, made after the passing of this Act, shall be annulled by a Court of Justice, except upon the ground of its having been made contrary to the provisions of this Act, and then only on proof that the plaintiff has sustained substantial injury by reason of the irregularity complained of : and no such sale shall be annulled upon such ground, unless such ground shall have been declared and specified in an appeal made to the Commissioner under Section XXV of this Act : and no suit to annul a sale made under this Act shall be received by any Court of Justice unless it shall be instituted within one year from the date of the sale becoming final and conclusive as provided in Section XXVII of this Act : and no person shall be entitled to contest the legality of a sale, after having received any portion of the purchase money. Provided, however, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or omission connected with a sale under this Act, from his remedy in a personal action for damages against the person by whose act or omission he considers himself to have been wronged.

Proviso.

XXXIV. If a sale made under this Act be annulled by a final decree of a Civil Court, application for the execution of such decree shall be made within six months after the date thereof; otherwise the party in whose favor such decree was passed shall lose all benefit therefrom. And no order for restoring such decreeholder to possession shall be passed until any amount of surplus purchase money that may have been paid away by order of a Civil Court be repaid by him, with interest at the highest rate of the current Government Securities. And if such party shall neglect to pay any amount so recoverable, within six months from the date of such final decree, he shall lose all benefit therefrom.

Effects of annulment by decree of Court of sales under this Act.

XXXV. In the event of a sale being annulled by a final decree of a Court of Justice, and the former proprietor being restored to possession, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

If sale annulled, purchase money to be refunded.

XXXVI. Any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person not the certified purchaser, or on behalf partly of himself and partly of another person, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

No suits on the ground of benamee purchase.

XXXVII. The purchaser of an entire estate in the permanently settled Districts of Bengal, Behar, and Orissa, sold under this Act for the recovery of arrears due on account of the same shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement; and shall be entitled to avoid and annul all under-tenures and forthwith to eject all under-tenants, with the following exceptions:

Rights of a purchaser of a permanently settled estate sold for its own arrears.

First. Istemraree or mokurreree tenures which have been held at a fixed rent from the time of the permanent settlement.

Secondly. Tenures existing at the time of settlement, which have not been held at a fixed rent. Provided always that the rents of such tenures shall be liable to enhancement under any law for the time being in force for the enhancement of the rent of such tenures.

Thirdly. Talookdaree and other similar tenures created since the time of settlement, and held immediately of the proprietors of estates; and farms for terms of years so held, when such tenures and farms have been duly registered under the provisions of this Act.

Fourthly. Leases of lands whereon dwelling houses, manufactories, or other permanent buildings have been erected, or whereon gardens, plantations, tanks, wells, canals, places of worship, or burning or burying grounds have been made, or wherein mines have been sunk.

And such a purchaser as is aforesaid shall be entitled to proceed in the manner prescribed by any law for the time being in force for the enhancement of the rent of any land coming within the fourth class of exceptions above made, if he can prove the same to have been held at what was originally an unfair rent, and if the same shall not have been held at a fixed rent, equal to the rent of good arable land, for a term exceeding twelve years; but not otherwise.

Proviso.

Provided always, that nothing in this Section contained shall be construed to entitle any such purchaser as aforesaid to eject any ryot, having a right of occupancy at a fixed rent or at a rent assessable according to fixed rules under the laws in force, or to enhance the rent of any such ryot otherwise than in the manner prescribed by such laws, or otherwise than the former proprietor, irrespectively of all engagements made since the time of settlement, may have been entitled to do.

XXXVIII. The following rules for the registration of talookdaree and other similar tenures created since the time of settlement, and held immediately of the proprietors of estates and of farms for terms of years so held, shall be observed.

Registration of talookdaree tenures created after settlement and held for terms of years.

XXXIX. There shall be two sets of registers, one for common registry and one for special registry. Common registry shall secure such tenures and farms against any auction purchaser at a sale for arrears of revenue except the Government. Special registry shall secure such tenures and farms against any auction purchaser at a sale for arrears of revenue including the Government.

Common and special registry.

XL. The holder of any talookdaree or other similar tenure, such as is described in Section XXXVIII of this Act, desirous of registering it, shall apply by petition to the Collector of the District to which the estate belongs. The application shall state which description of registry is desired, and shall contain the following particulars so far as the same are ascertainable.

Application for registry.

1. The Pergunnah or Pergunnahs in which the tenure is situated.

2. The nature of the tenure.

3. The name or names of the village or villages whereof the land is composed, or wherein it is situated.

4. The area of the land comprised in the tenure, with its boundaries in complete detail.

5. The amount of rent payable annually for the tenure, and whether the rent is fixed for a term of years or in perpetuity, and the duties, if any, required to be performed on account of it.

6. The date of the deed constituting the tenure, or the date when the tenure was created.

7. The name of the proprietor who created the tenure.

8. The name of the original holder of the tenure.

9. The name of the present possessor, and if he be not the original holder, the mode in which he succeeded to the tenure, whether by inheritance, gift, purchase, or otherwise, and whether he holds jointly or solely.

Holders of such farms as are described in the said Section may apply in like manner for registry of the same. The application shall contain such of the foregoing particulars as are applicable to arms.

Procedure on application for common registry.

XLI. When the application is for common registry, the Collector shall serve a notice on the recorded proprietor or proprietors of the estate in which the tenure or farm is situated, or the authorized agent of such proprietor or proprietors, with a copy of the application annexed; and shall cause a notice, with a copy of the application annexed, to be affixed in his office, and at the mal-cutcherry of the estate in which the tenure or farm is situated, or in such other place or places as in the opinion of the Collector may be best suited to give publicity to the application, requiring the proprietor or any party interested, within thirty days from the issue of the said notice, to file any objections he may have to the registry of the tenure or farm, or to any statement contained in the application. If within the limited time no objection is made, the Collector shall register the tenure or farm. If within the limited time an objection is made by any recorded proprietor, or by any party interested not being a proprietor, the Collector shall examine the person so objecting or his authorized agent, and if it shall appear to him that such person has probable ground of objection, the Collector shall suspend proceedings, and shall refer the parties to the Civil Court, otherwise he shall grant the application. If the decision of the Civil Court be in favor of the applicant, the Collector, on the presentation of a copy of the final decree, shall register the tenure or farm.

Procedure on application for special registry.

XLII. When the application is for special registry, the Collector shall serve and issue the notices prescribed in the last preceding Section. If within the limited time no objection is made, the Collector shall cause any enquiry that he may deem necessary for the security of the Government revenue, to be made; and if he is satisfied that the Government revenue of the parent estate is sufficiently secured so far as it may be affected by the tenure or farm in question, he shall report the case to the Commissioner, who, if also satisfied on that point, shall direct the tenure or farm to be registered according to the application. Otherwise the application shall be rejected. If within the limited time any recorded proprietor or any party interested not being a proprietor object to the registry, the Collector shall examine the person so objecting or his authorized agent, and if it shall appear to him that such person has probable ground of objection, shall suspend proceedings, and shall refer the parties to the Civil Court, otherwise he shall proceed as if no objection had been made. If the decision of the Civil Court be in favor of the applicant, the Collector, on the presentation of a copy of the final decree, shall proceed as above provided for cases in which no objection is made within the limited time.

Registration of leases of certain lands.

XLIII. Leases of lands of the description specified in the fourth exceptional class in Section XXXVII, may be registered, at the option of the holders, in the manner and under the rules hereinbefore provided for the registry of Talookdaree and other similar tenures.

Registration of old tenures.

XLIV. Tenures of the first and second exceptional classes in Section XXXVII may be registered, at the option of the holders; and when so registered shall be entered only in the special register. Application for such registry shall contain the particulars specified in Section XL so far as the same are ascertainable, and notices shall be served and issued in the manner prescribed in Section XLI. If within the limited time no objection is made by any recorded proprietor or by any party interested not being a proprietor, the Collector shall make such inquiries as may be necessary to satisfy him as to the validity of the tenure; and if the result be to satisfy him that the tenure is valid, he shall report the case to the Commissioner, who, if also satisfied that the tenure is valid, shall direct it to be entered in the special register. Otherwise the application for registry shall be rejected. If within the limited time any recorded proprietor or other party as aforesaid object to the registry of the tenure, the Collector shall examine the person so objecting or his authorized agent, and if it shall appear to him that such person has probable ground of objection, shall suspend proceedings, and refer the parties to the Civil Court, otherwise he shall proceed as if no objection had been made. If the decision of the Civil Court be in favor of the applicant, the Collector, on the presentation of a copy of the final decree, shall proceed as above provided for cases in which no objection is made within the limited time. Provided always that nothing contained in this Section shall be understood as rendering registration necessary for the protection of *bonâ fide* tenures of the description herein referred to.

Proviso.

Time for application for registry of tenures and farms.

XLV. Application for registry of existing tenures and farms must be made within three years after the passing of this Act. Application for the registry of tenures created after the passing of this Act must be made within three months from the date of the deed constituting the tenure.

Expenses of measurement, survey, or local enquiry.

XLVI. The actual expenses of any measurement, survey, or local enquiry made under Sections XLII and XLIV of this Act, shall be borne by the party who applies for the registry of his tenure or farm; and such party may be required by the Collector from time to time to make such advances on this account as he may consider necessary.

Civil Court not competent to order entry in the special register.

XLVII. No Civil Court shall be competent to order the Revenue Authorities to enter any tenure or farm in the special register. Provided always that the refusal of the Revenue Authorities so to register any tenure or farm shall not affect the title of the holder, whatever it may be.

Suit for the cancelment of the registry of a tenure or farm.

XLVIII. Subject to the general law of limitation, any person thinking himself wronged by the registry of a tenure or farm, may file a suit for the cancelment of the same.

Proceedings of Revenue Authorities in the registration of tenures, &c.

XLIX. In the execution of their functions in the registration of tenures and farms under this Act, all subordinate Revenue Authorities shall proceed in accordance with the general instructions which they may receive from the superior Revenue Authorities to whom they are subordiate, and from the local Government; and all